

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

Name	Reference Number	Page Number
Nicola, David and Megan West	LP2049	2
Bev, Jon and Robyn Olds	LP2050	24
Joyce and Bill Hills	LP2051	46
Hilary, Mammed and Alex Bagher	LP2052	68
Joanne, Christopher, Jack and Harry West	LP2053	90
Lauren and Nicholas Bagher	LP2054	112
Steve Kingdon	LP2055	134
Janice Lupton	LP2056	136
Kenneth Lupton	LP2057	145
Janice Alderslade	LP2058	149
Andy Ritchie	LP2059	157
Kay Blue Oliver	LP2060	162
STEP	LP2061	167
Avant Homes North East	LP2062	192
Geoff Alderslade	LP2063	215
South Tyneside Green Party	LP2064	227

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

Response ID BHLF-RUCU-JV1W-7

Submitted to Sustainability Appraisal 2024

Submitted on 2024-04-23 13:53:26

Have your say

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

Section of the SA:

Employment land

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

Comments:

3. Objection made regarding Sustainability Appraisal Report 2024 – Employment Land and policy SP14: Wardley Colliery

The Sustainability Appraisal Report 2024 notes that the Local Plan has increased the amount of land required for employment from the Draft Regulation 18 Local Plan. It notes that the level of employment growth underpinning this is high in the context of past trends.

This demonstrates that the Regulation 19 Draft Local Plan is not justified by the evidence base; the amount of land for employment allocated for employment is too high and more of this land needs to be utilised for housing development in existing urban areas. The removal from the Green Belt of the Wardley Colliery site in SP14 is not justified.

The Sustainability Appraisal Report states:

“Preferred Options

4.41 Within the Draft Local Plan 2019, the Council took forward the following preferred options for employment land: □ General Employment Land – Option 2: Policy-on Scenario □ Port and Marine Land – Option 3: Past Completions (net)

4.42 These options were selected because the Council considered them to have the most positive effects on SA objective 9 (encourage and support economic growth within South Tyneside) and SA objective 10 (increase opportunities for employment and education and improve living standards). The Council’s reasons for this were set out in the 2019 SA Report.

4.43 In the Draft Regulation 18 Local Plan (June 2022) the Council’s preferred scenario for employment land requirements over the Plan period was the Baseline Labour Demand Scenario. The reasons for this were set out in detail in the 2022 Employment Land Technical Paper, which explained that in choosing this scenario the Council was being cognisant of the constraints imposed by the Green Belt and the very high value placed on this resource by local communities.”

And

“4.45 In the Regulation 19 Draft Publication Plan, the Council’s preferred scenario for employment land requirements over the Plan period is the Policy-on Labour Demand Scenario. As explained in the 2023 Employment Land Technical Paper, the level of employment growth underpinning this scenario, which seeks to capture the impacts of IAMP on the general employment land market, is high in the context of past trends. The 2023 ELR advises that the IAMP proposals are expected to create significant employment opportunities in the wider supply chain. However, the ELR does caution that the ability to fully take advantage of these opportunities will depend on the ‘ability to offer good quality employment sites, with good access to the strategic road network and in close proximity to the IAMP.’”

The SAR also notes the negative impact of this preferred option for employment land:

“4.26 However, negative effects were recorded against a number of environmental objectives, reflecting the impact that a high economic growth could have upon the environment due to proximity existing designations, and increased impacts on natural resources, potential impacts on biodiversity and wildlife corridors. This level of growth is also likely to require land from the Green Belt to facilitate the growth aspirations; this objective therefore scored negatively against objective 4 (Green Belt) and objective 5 (green infrastructure) due to the potential impacts on the Green Infrastructure corridor.”

The Sustainable Appraisal Non-Technical Summary states in the section assessing the Likely Effects of the Local Plan Options:

“Preferred Options

34. In the Draft Regulation 18 Local Plan (June 2022) the Council’s preferred scenario for employment land requirements over the Plan period was the Baseline Labour Demand Scenario. In choosing this scenario the Council had been cognisant of the constraints imposed by the Green Belt and the very high value placed on this resource by local communities. In the Regulation 19 Draft Publication Plan, the Council’s preferred scenario for employment land requirements over the Plan period is the Policy-on Labour Demand Scenario. As explained in the 2023 Employment Land Technical Paper, the level of employment growth underpinning this scenario, which seeks to capture the impacts of IAMP on the general employment land market, is high in the context of past trends. The 2023 ELR advises that the IAMP proposals are expected to create significant employment opportunities in the wider supply chain. However, the ELR does caution that the ability to fully take advantage of these opportunities will depend on the ‘ability to offer good quality employment sites, with good access to the strategic road network and in close proximity to the IAMP.’”

3 What is your name?

Name:

Nicola, David and Megan West

4 What is your email address?

Email:



5 Who are you responding as?

Resident or Member of the General Public

Organisation:

6 What is your postal address?

Address:




Objection to the Local Plan

From Ann West 

Date Sat 3/2/2024 8:04 PM

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

 1 attachments (182 KB)

South-Tyneside-Green-Party-Response-to-Local-Plan-2024.pdf;

<div style="color: black; background-color: #ffff99; background-clip: padding-box; border: 2px solid black; margin: 5px; padding: 5px; font-family: Arial; font-size: 11pt;">*** WARNING - This message has originated from outside the Council. Do not provide any login or password details if requested. Do not click on any links or attachments unless you are sure that the content is safe. If you are unsure about this email or its content forward it to: email.quarantine@southtyneside.gov.uk, clearly stating your concerns in the email </div>
We the below wish to submit an objection to the Local Plan as it stands and as detailed by the attached Green Party objections, which we agree with and heartedly support.

As residents of Cleadon we are already experiencing problems related to a shortfall in the provision of infrastructure such as congested roads, lack of health services, fully subscribed schools, sewage overspill/inadequate sewage works and seasonal flooding.

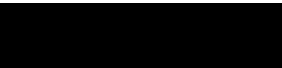
The 204 houses that are to be built on the brownfield/industrial site on Cleadon Lane will stretch these services further without adding the additional proposed housing on the Green Belt.

After attending one of the South Tyneside Council planning proposal meetings it appears the only reason the Council want to release these Green Field sites, is the revenue they will receive, but with no guarantee that the developers will provide the necessary infrastructure to support this increase in housing and local population.

Very little consideration has been placed on the benefits to us all of having green areas to promote wellbeing both from an aesthetic element and the ability to get out into nature for activities such as walking and cycling without having the worries of increased traffic and noise.

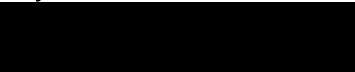
Yours sincerely

Jennie and Ann West


Nicola, David and Megan West


Bev, Jon and Robyn Olds


Joyce and Bill Hills


Hilary, Mammed and Alex Bagher

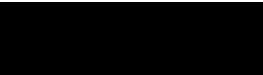




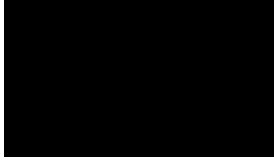
Joanne, Christopher, Jack and Harry West



Andrew Davison



Lauren and Nicholas Bagher



South Tyneside Green Party Response to South Tyneside Regulation 19 Draft Local Plan 2024

1. Objection made specifically regarding Policy SP2: Strategy for Sustainable Development

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

This policy must be revised to decrease the number of homes being planned for, in order to meet the requirement to be sound on the basis of being positively prepared, so that it meets the area's objectively assessed needs and is consistent with achieving sustainable development.

In SP2 paragraph 4.9 of the Local Plan it states:

"4.9 To determine the minimum number of homes needed, a local housing need assessment has been conducted using the standard method detailed in the national planning guidance. The standard method uses a formula to identify the minimum number of homes expected to be planned for in a way which addresses projected household growth and any historic under-supply. Using this approach the local housing needs assessment has concluded that for the plan period (1st April 2023 to 31st March 2040) 309 dwellings are required every year. This produces an overall minimum housing requirement of 5,253 new homes over the Plan period. The household projections that inform the housing baseline are the 2014-based household projections. This figure could change upwards or downwards based on new data. South Tyneside's housing requirement will not be 'locked in' until the Plan is submitted to the independent Planning Inspectorate."

The Local Plan is based on inaccurate population projections. Census data show a consistently falling population in South Tyneside, from 157,200 in 1991, to 152,785 in 2001, to 148,127 in 2011, to 147,800 in 2021. Yet the Local Plan assumes a population of 151,936 for 2021, an overestimate of 4,136, and that it would continue to increase over the next 20 years.

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

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

The East Boldon Neighbourhood Forum received the following statement from the Department for Levelling Up, Housing & Communities, written by Alan C Scott, Planning policy adviser on behalf of the Secretary of State:

“In 2018 the Framework introduced a standard method for calculating local housing need to make the process simple, quick and transparent. “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”.

The NPPF paragraph 5 and 6 states:

“5. National policy statements form part of the overall framework of national planning policy, and may be a material consideration in preparing plans and making decisions on planning applications.

6. Other statements of government policy may be material when preparing plans or deciding applications, such as relevant Written Ministerial Statements and endorsed recommendations of the National Infrastructure Commission.”

Michael Jenrick, then Secretary of State for Housing, Communities and Local Government, made a Written Statement 16th December 2020:

“There were many consultation responses which did not fully recognise that the standard method for assessing Local Housing Need does not present a ‘target’ in plan-making, but instead provides a starting point for determining the level of need for housing in an area. It is only after consideration of this, alongside what constraints areas face, such as the Green Belt, and the land that is actually available for development, that the decision on how many homes should be planned for is made.”

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

“Today’s update to the National Planning Policy Framework (NPPF)

It provides clearer protection for the Green Belt, clarity on how future housing supply should be assessed in plans and on the responsibility of urban authorities to play their full part in protecting the character of precious neighbourhoods.

The new NPPF will: facilitate flexibility for local authorities in relation to local housing need; clarify a local lock on any changes to Green Belt boundaries;

The new NPPF makes clear that the outcome of the standard method is an advisory starting point in plan making for establishing the housing requirements for an area.”

The above is supported by guidance in The House of Commons Library published on 27 August 2021 “Calculating housing need in the planning system (England)” which states in 2.4:

“A starting point, not a target? Land constraints and the standard method. The standard method is intended to be the starting point in determining how many homes an LPA can and should deliver, but is not a target. LPAs must also take account (for example) of land constraints, such as the Green Belt.”

<https://commonslibrary.parliament.uk/research-briefings/cbp-9268/>

This means that South Tyneside Council is able to determine its housing requirement and can take into account the restraint of the Green Belt.

2. Objection to development on the Green Belt, made specifically regarding Policies SP3: Spatial Strategy for Sustainable Development and SP7: Urban and Village Sustainable Growth Areas

These policies are not justified by the evidence and the case for exceptional circumstances to amend the Green Belt boundary has not been made.

The Local Plan must be revised to remove the proposed amendment to the Green Belt boundary to allocate additional land for housing and to withdraw all of the sites proposed for removal from the Green Belt: GA1-6 and SP8.

The Green Belt land allocation in the Local Plan is for 2,308 new homes but there is no justification for building on this precious resource. The Green Belt does not need to be built on and therefore the least harm to this resource is no further development at all on the Green Belt and exceptional circumstances have not been established. The Local Plan must be revised in order to meet the requirement to be sound on the basis of being justified, as an appropriate strategy, taking into account the reasonable alternatives and based on proportionate evidence; and on the basis of being consistent with national policy.

In the Local Plan, Policy SP3: Spatial Strategy for Sustainable Development proposes amending the Green Belt boundary to allocate additional land for housing and Policy SP7 Urban and Village Sustainable Growth Areas proposes the removal of sites from the Green Belt and allocation for housing development.

The Local Plan states in Policy SP3: Spatial Strategy for sustainable development:

“To meet the identified needs in Policy SP2 and to facilitate sustainable growth, the Plan will:

- 1. Support the sustainability of existing communities by focusing growth within the Main Urban Area including South Shields, Hebburn and Jarrow*
- 2. 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*
- 3. Encourage the re-use of suitable and viable brownfield land and, where appropriate, encourage higher development densities.*
- 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*
- 5. Create a new sustainable, community within the Fellgate Sustainable Growth Area (Policy SP8) by providing homes and community facilities.*
- 6. Prioritise the regeneration of South Shields Riverside, South Shields Town Centre, Fowler Street Improvement Area, and the Foreshore Improvement Area*
- 7. Prioritise economic development in designated Employment Areas, including the Port of Tyne, that are accessible by a range of transport modes and allocate additional land at Wardley Colliery*
- 8. Enhance and strengthen green infrastructure, ecological networks and Green Belt throughout South Tyneside and between neighbouring authorities.*

The National Planning Policy Framework (NPPF) states:

“140. Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period”

As demonstrated in Objection 1 above, there is no evidence that the housing requirement for the Plan period is at a level requiring development on the Green Belt. The strategic need has not been proven, for example there has been no cooperation with neighbouring local authorities which have Local Plans that intend to cumulatively build in excess of 19,000 houses above their respective ONS 2018 housing projections.

Sunderland Local Plan –	10,755 excess houses by 2033
Gateshead Local Plan –	6,337 excess houses by 2030
North Tyneside Local Plan -	2,238 excess houses by 2032

A planning appeal decision has confirmed the protected status of the Green Belt. This decision reiterates and reinforces the protection from inappropriate development given to the Green Belt in national planning policy.

Broke Hill golf course

In the Broke Hill case in Sevenoaks, Kent, the Inspector confirmed that, where planning policies protect areas of particular importance and provide a clear reason for refusing the development, the so-called “tilted balance” presumption in favour of granting planning permission does not apply.

For Broke Hill, the planning policies in this case related to protection of the Green Belt. This is especially important as Sevenoaks does not have the required five-year supply of housing land nor has it met the government’s housing delivery test for 2021. The inspector noted a number of benefits of the proposed development including provision of affordable housing. However, he concluded that notwithstanding the lack of five-year housing supply, the housing delivery test, and the benefits, this did not outweigh the harm that would be caused to the Green Belt, and were not sufficient to override national and local planning policies protecting the Green Belt. “The tilted balance is not invoked, however, because the Framework at Paragraph 11d(i) and footnote 7 protects both areas and assets of particular importance, which include the Green Belt, and provides a clear reason to dismiss the appeal.” Stephen Wilkinson, Inspector Planning Inspectorate decision Broke Hill golf course 31 January 2022

This case along with ministerial statements demonstrates that the Local Plan fails to be consistent with national planning policy to protect the Green Belt, as specified in paragraph 11 of the National Planning Policy Framework.

The Local Plan must be revised to remove the proposed amendment to the Green Belt boundary to allocate additional land for housing and to withdraw all of the sites proposed for removal from the Green Belt.

Furthermore, the Local Plan is not justified because the NPPF states:

“141. Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph, and whether the strategy:

a) makes as much use as possible of suitable brownfield sites and underutilised land;

b) optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum

density standards in town and city centres and other locations well served by public transport; and

c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.”

Regarding paragraph “a”, it has not been proven that all brownfield sites have been considered.

There are underutilised sites such as areas in South Shields town centre where previously developed land is used for car parking rather than housing like the area at the Mill Dam in South Shields, the former Staithes House and surrounding land near the town centre has been cleared for development for decades. The large office building at Harton Quay was leased by BT Group until last year but BT Group then closed its office and redeployed its 500 staff to other parts of the North East.

These are areas close to South Shields transport interchange and so would satisfy paragraph “b” the need to promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport.

The failure to rent out office space also drawn into question the planned 200,000 sq ft of office space in the adjacent Holborn development especially as the Utilitywise office building just down river had to be converted to flats after lying empty for a long period.

Planners overlooked possible brownfield sites across South Tyneside. Questions raised over validity of the reasons for rejection have not been answered. Some examples are the health clinic site near the ambulance station on Boldon Lane, the Pickwick pub in Biddick Hall, the former Methodist church on Bede Burn Road, the former Park Hotel on Lawe Road have not been included in the Local Plan.

Immediately after the Regulation 18 consultation in 2022, planning permission was given for 446 houses on the former Hawthorn Leslie shipyard that had lain redundant for several years. This was not included in the Regulation 18 Draft Plan. A similar situation exists at the former Rohm and Hass brownfield site near Jarrow town centre that would comply with 141 a) and b). This land if designated for industry could be released for housing as the land designated for employment in the Regulation 19 Local Plan is not justified by the evidence.

A further statement which is insufficient is paragraph 4.31, Sustainable Urban and Village Extensions:

“The Council has undertaken an extensive Green Belt review to identify land which would cause the least harm to the purposes of the Green Belt, that is considered suitable for development, and that could create a new defensible Green Belt boundary. Through this work, the Council has also established the exceptional circumstances to justify amending the Green Belt boundary at each location.

Following consultation on the Plan, the Council will undertake a Green Belt boundary review which will review the entire Green Belt boundary to ensure that it has a strong and defensible boundary as required by the NPPF.”

It has been shown that the Green Belt does not need to be built on and therefore the least harm to this resource is no further development at all on the Green Belt and exceptional circumstances have not been established.

Regarding paragraph “c”, there is no evidence that the aggregated housing assessments of the neighbouring authorities has been compared with the projected population levels of these authorities to show that there will be no overall supply. The simple statement in 4.28 in the Local Plan is insufficient:

“28. Prior to identifying land in the Green Belt the Council has, as part of Duty to Cooperate, discussed whether neighbouring authorities could accommodate additional housing. As set out in the Duty to Cooperate Statement, neighbouring authorities have confirmed that they would be unable to provide land to meet South Tyneside’s needs.”

The duty to cooperate has not been evidenced as required by guidance such as PAS – Doing your duty practice update [doing-your-duty-practice--1a3.pdf \(local.gov.uk\)](#)

The recommendations in this have not been followed including number 10:

“10. Plans should reflect joint working and cooperation to address larger than local issues. In many cases, joint studies with other local planning authorities formed part of the evidence used to demonstrate compliance with the duty. Past cooperation put many local planning authorities in a strong position, particularly where this has resulted in the preparation of sub-regional strategies, joint studies or common methodologies on SHMA, Strategic Flood Risk Assessment, economic assessments, Green Infrastructure studies, landscape and renewables assessments, and transport studies.”

This failure is evident in the vast over provision of housing as previously shown and shared infrastructure for example the health and sewage systems between South Tyneside and Sunderland as well as employment at IAMP. This shows that the Plan is not sound.

3. Objection made regarding Sustainability Appraisal Report 2024 – Employment Land and policy SP14: Wardley Colliery

The Sustainability Appraisal Report 2024 notes that the Local Plan has increased the amount of land required for employment from the Draft Regulation 18 Local Plan. It notes that the level of employment growth underpinning this is high in the context of past trends.

This demonstrates that the Regulation 19 Draft Local Plan is not justified by the evidence base; the amount of land for employment allocated for employment is too high and more of this land needs to be utilised for housing development in existing urban areas. The removal from the Green Belt of the Wardley Colliery site in SP14 is not justified.

The Sustainability Appraisal Report states:

“Preferred Options

4.41 Within the Draft Local Plan 2019, the Council took forward the following preferred options for employment land: ■ General Employment Land – Option 2: Policy-on Scenario ■ Port and Marine Land – Option 3: Past Completions (net)

4.42 These options were selected because the Council considered them to have the most positive effects on SA objective 9 (encourage and support economic growth within South Tyneside) and SA objective 10 (increase opportunities for employment and education and improve living standards). The Council’s reasons for this were set out in the 2019 SA Report.

4.43 In the Draft Regulation 18 Local Plan (June 2022) the Council’s preferred scenario for employment land requirements over the Plan period was the Baseline Labour Demand Scenario. The reasons for this were set out in detail in the 2022 Employment Land Technical Paper, which explained that in choosing this scenario the Council was being cognisant of the constraints imposed by the Green Belt and the very high value placed on this resource by local communities.”

And

“4.45 In the Regulation 19 Draft Publication Plan, the Council’s preferred scenario for employment land requirements over the Plan period is the Policy-on Labour Demand Scenario. As explained in the 2023 Employment Land Technical Paper, the level of employment growth underpinning this scenario, which seeks to capture the impacts of IAMP on the general employment land market, is high in the context of past trends. The 2023 ELR advises that the IAMP proposals are expected to create significant employment opportunities in the wider supply chain. However, the ELR does caution that the ability to fully take advantage of these opportunities will depend on the ‘ability to offer good quality employment sites, with good access to the strategic road network and in close proximity to the IAMP’.”

The SAR also notes the negative impact of this preferred option for employment land:

“4.26 However, negative effects were recorded against a number of environmental objectives, reflecting the impact that a high economic growth could have upon the environment due to proximity existing designations, and increased impacts on natural resources, potential impacts on biodiversity and wildlife corridors. This level of growth is also likely to require land from the Green Belt to facilitate the growth aspirations; this objective therefore scored negatively against objective 4 (Green

Belt) and objective 5 (green infrastructure) due to the potential impacts on the Green Infrastructure corridor.”

The Sustainable Appraisal Non-Technical Summary states in the section assessing the Likely Effects of the Local Plan Options:

“Preferred Options

34. In the Draft Regulation 18 Local Plan (June 2022) the Council’s preferred scenario for employment land requirements over the Plan period was the Baseline Labour Demand Scenario. In choosing this scenario the Council had been cognisant of the constraints imposed by the Green Belt and the very high value placed on this resource by local communities. In the Regulation 19 Draft Publication Plan, the Council’s preferred scenario for employment land requirements over the Plan period is the Policy-on Labour Demand Scenario. As explained in the 2023 Employment Land Technical Paper, the level of employment growth underpinning this scenario, which seeks to capture the impacts of IAMP on the general employment land market, is high in the context of past trends. The 2023 ELR advises that the IAMP proposals are expected to create significant employment opportunities in the wider supply chain. However, the ELR does caution that the ability to fully take advantage of these opportunities will depend on the ‘ability to offer good quality employment sites, with good access to the strategic road network and in close proximity to the IAMP’.”

4. Objection made regarding Density Report 2024 and paragraph 8.24 of the Local Plan

The Local Plan is not justified by the evidence as set out in the Density Report 2024 of housing density achieved since the last housing density report in 2018. The Local Plan in paragraph 8.24 sets a lower average housing density than has been achieved which means it is not consistent with the NPPF.

The Density Report 2024 states:

“2.3 Paragraph 125 of the NPPF highlights the importance of avoiding homes being built at low densities, where there is an anticipated shortage of land for meeting identified housing needs. Planning policies should avoid homes being built at low densities and ensure optimal use of land by using minimum density standards. These standards aim to uplift the average density of residential development and the use of these standards should be used in other parts of the plan area. Minimum density standards should also be used in a way which ensures that applications which fail to make efficient use of land be refused.”

It states in the Summary

“4.1 Following the four assessments several conclusions can be drawn with regards to density patterns throughout South Tyneside. Since the previous Density study in 2018:

- *The average density of sites assessed was 66 dwellings per hectare based on net site area. This is an increase of 16 dwellings per hectare since the previous study.*
- *The assessments showed that density declined as site area increased and that sites less than 1 hectare had a density significantly higher than those over 1 hectare. Sites less than 1 hectare had an average density of 82 dwellings per hectare. Sites over 1 hectare had a density of 40 dwellings per hectare.*
- *In general sites with a higher yield had typically lower densities. Sites with less than 50 dwellings had an average density of 50 dwellings per hectare whereas sites with more than 250 dwellings had an average density of 28 dwellings per hectare.*
- *Sites in the urban area of South Shields had the highest densities with an average of 72 dwellings per hectare. This is likely due to the nature of the area and the large proportion of smaller sites.*
- *Compared to the standard density buffers in Policy SC3 of the adopted LDF and the Strategic Housing Land Availability Assessment higher densities were achieved across all three categories. “*

However, the Recommendations for Housing Density which have been utilised by the Regulation 19 Draft Local Plan are lower than the densities which have been achieved. The Density Report states:

“6.1 Housing yield must ultimately be determined by design. However, for the purposes of estimating housing yield as part of the Strategic Housing Land Availability Assessment and Local Plan site selection process the following density calculations are recommended:

- *Average 60 dwellings per hectare on sites within 400m in the Jarrow and Inner South Shields character areas (higher densities may also be appropriate on a site by site basis e.g. by the riverside on sites such as Holborn and Hawthorn Leslie);*
- *Average 55 dwellings per hectare on sites within 400m in the rest of the borough;*
- *Average 45 dwellings per hectare on sites between 400m – 800m in the rest of the borough; and*
- *Average 35 dwellings per hectare on sites beyond 800m in the rest of the borough.*

6.2 These densities will be used to estimate site capacities in the Strategic Housing Land Availability Assessment where other information (e.g. planning applications, information from developers etc.) is not available. Should this information be available it will be used.”

The Density Report 2024 also underestimates the housing densities which have been achieved because two very large urban brownfield sites have been excluded from the assessment:

“3.2 Whilst permission was given to 26 sites during this period only 24 sites will be used in this study. The sites at Leslie Hawthorn and Holborn have been omitted from this study as due to the nature of those sites they present an anomaly in the

densities. These sites have a much higher density as to be viable sites for the developers more dwellings on site were required. These sites have a much higher proportion of flats and apartments than others of this size and location. Therefore, to be able to analyse patterns and trends in the data these 2 sites have been treated as anomalies.”

If these two sites were included in the assessment, the average density achieved would be higher and the discrepancy between this and the recommendations for average density for the Local Plan would be even greater.

5. Objection made specifically regarding Policy 18: Affordable Housing, Policy 19: Housing Mix and Policy 20: Technical Design Standards for New Homes

The Local Plan is not justified and is not consistent with the NPPF in terms of meeting the housing needs identified in the Strategic Housing Market Assessment (SHMA) 2023.

In the section on Housing Allocations the Local Plan states:

“5.4 When allocating sites to meet the housing requirement, the Plan has looked to ensure the right homes are delivered in the right places, taking into account need, demand, deliverability, sustainability and improving choice.”

The SHMA 2023 has identified an annual need for 361 affordable homes each year across the borough which justifies the need for a robust affordable housing policy which will provide mechanisms to help meet this affordable need. Yet the same document states in the Executive Summary:

“It is recommended that the current target for 75% market and 25% affordable is maintained.” And in Paragraph 7.10 states: *“The SHMA would suggest that an overall target of 25% affordable housing should continue to be applied. This will be subject to viability testing before a target can be established for affordable housing in the emerging Local Plan.”*

The proposed proportion of affordable homes in Cleadon and East Boldon is 30%, but as median house prices in this area are £225,000 the accepted definition of affordable being 80% of market value means they will still be unaffordable to the very people requiring this provision.

The NPPF states *“62. Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).”*

Particular needs identified in the SHMA 2023 are:

- *“Increasing and diversifying the supply of specialist housing for older people. There is a need for 3,060 more units of accommodation for older people by 2040 comprising 1,803 C3 units, 885 C2 Extra Care units and 372 C2 Residential care units*
- *Based on an assessment of additional needs and longer-term demographics, a minimum of 5% of new dwellings should be built to M4(3) wheelchair accessible standard; and all other new dwellings should be built to M4(2) accessible and adaptable standard.”*

However the Local Plan fails to implement these recommendations in full as Policy 20: Technical Design Standards for New Homes states:

*“1. To meet the needs of older people and people with disabilities, a minimum of 5% of new build housing in developments of 50 homes or more shall be built to Building Regulations Requirement M4(3) (wheelchair user dwellings).
2. All residential dwellings shall be designed to be built to meet Building Regulations Requirement M4(2): (Accessible and adaptable dwellings) except where it can be demonstrated that this is impractical or unviable due to site specific constraints.”*

Policy 20 introduces a condition that this target for wheelchair user dwellings (ie Building Regulations Requirement M4(3)) will only apply in housing developments of 50 homes or more. This means that the Local Plan is not justified by the evidence of the need for these type of homes.

6. Support for Policy 16: Houses in Multiple Occupation

We welcome Policy 16 Houses in Multiple Occupation (HMO) as this is justified by the evidence of clustering of HMOs in particular areas of the borough and the need for further measures in paragraph 2 of the policy for the Lawe Top Article 4 Direction area.

7. Objection made specifically regarding Policy 1 Promoting Healthy Communities and Policy 2 Air Quality; and SP5: Former Brinkburn Comprehensive School and SP6: Former Chuter Ede Education Centre

The Local Plan is not justified because these policies will not ensure the Strategic Objectives for Promoting Healthy Communities will be achieved; and these policies are not consistent with national policy.

The Local Plan proposes the development of several vital community open spaces, for example the playing field land at Chuter Ede and Brinkburn School, despite stating in Policy 1:

“The Council and its partners, including the NHS, will seek to improve the health, wellbeing and quality of life of South Tyneside residents, reduce health inequalities, and to help people live longer and healthier lives. This will be achieved by:

1. Supporting new development which: i. Increases opportunities for physical activity and active travel through the provision of good quality sport and recreation facilities and safe and accessible walking, cycling and public transport networks.”

and

“iii. Enhances the green and blue infrastructure network and supports climate change mitigation and adaptation.”

These community open spaces must be protected and removed from the Local Plan as sites for development. The importance of these community open spaces is recognised in NPPF paragraph 98, 20-23, 26 and 92.

Building on playing fields for example at Chuter Ede has the exact opposite effect to the objective, increasing the local population while removing green space playing fields that are used for exercise.

There is little in the Local Plan that would fulfil the Strategic Objectives for Promoting Healthy Communities. In fact, some parts of the plan make the situation worse including the proposed development in areas that will promote car use such as in Cleadon, East Boldon and Whitburn. These developments will typically have two cars per household, adding potentially thousands of car journeys on an already congested road system. This will have a detrimental effect road safety and on the local environment due to noise and exhaust emissions. Some areas have air pollution levels already in excess of the World Health Organisation recommended maximums. These vehicle journeys will only make this more dangerous as there are no safe levels for these pollutants.

The Local Plan states in paragraph 6.14: *“The importance of good air quality is recognised by the World Health Organisation which produced a series of standards that have been adopted by the European Commission and subsequently the UK”.*

A Local Authority recognising this will be aware that the World Health Organisation (WHO) air quality standards were revised in 2021 and the recommended pollutant levels, to be achieved, were revised down by a considerable amount. NOTE: These are not safe levels as scientists do not consider any amount to be safe. It is inconceivable that the UK national standards will not be reduced to reflect these changes.

In the Local Plan, Policy 2: Air Quality states *“2. Where significant air quality impacts are likely to be generated by the development, an appropriate air quality assessment will be required”.* Due to the changes in WHO levels it is reasonable to predict large areas of the Borough will exceed these and the proposed developments in Policy SP7: Urban and Village Sustainable Growth Areas in particular will result in unsafe air pollution.

The council has a duty as far as reasonably practicable to ensure the health and safety of its residents. Given the above, the Local Plan must be revised to take into consideration the results of the proposed developments on air quality and specified measures that would reduce pollution levels to the minimum possible.

NPPF states in 186: “Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications.”

The Local Plan has failed to identify these opportunities adequately and therefore is not consistent with the NPPF and this demonstrates that the Local Plan is not sound.

NPPF states: “31. The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned...”

The revised WHO air pollution levels are relevant and up-to-date and should be a material consideration.

8. Objection made specifically regarding Section 7: Meeting the Challenge of Climate Change, Flooding and Coastal Change

The Local Plan is not sound because it is not compliant with the Climate Change Act 2008 and Planning and Compulsory Purchase Act 2004 (as amended) duties or consistent with NPPF guidance – carbon accounting and climate mitigation.

The increased carbon emissions from the development proposed in the Local Plan will add to South Tyneside’s carbon footprint and add to the climate change emergency.

National legislation and guidance strongly stress the central role of the planning system in securing radical reductions in greenhouse gas emissions and require Local Plans to:

The policies should aim to secure radical carbon reductions in line with a trajectory for the authority area that is consistent with the UK achieving full carbon neutrality by 2050, and in the short term should test the policy options available to achieve the highest level of ambition possible to meet this goal.

As far as possible, all new development should be zero carbon given that the country's net zero target must be met in the next 30 years. A good example from another area is Reading Council: *"The council's 2019 Local Plan requires that all new residential developments of ten or more homes are built to zero carbon standards if possible."* Zero carbon is an achievable standard.

Adoption of this strategy aligns with the councils own stated aims of the Economic Recovery Plan 2020 to *Catalyse green and sustainable growth by maximising the potential of our low-carbon and digital assets and expertise.*

With regards to Policy 15 much is to be welcomed. 15.1 states *Improve the condition of existing homes by enhancing energy efficiency and reducing carbon emissions in existing buildings* And 15.4 *Facilitate improvements to properties that have traditionally suffered from poor management and under-investment*

However, currently demolition is placed far too highly as an option for the current housing stock. Refitting and retrofitting is by far the less carbon intensive approach so demolition must be de-prioritised.

The Local Plan must be revised in order to bring it into compliance with legislative and policy requirements around climate change and the councils stated ambitions.

9. Objection made specifically regarding Policy 6: Renewables and Low Carbon Energy Generation

The Local Plan is not sound because this policy is not consistent with national policy.

NPPF 156 states: *"Local planning authorities should support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning."*

We welcome Policy 6 paragraph 2 supporting the inclusion of renewable energy into developments, but the text is not strong enough, and once again, will not change business as usual development approaches. A requirement to include and maximise on-site renewable energy generation needs to be folded into an overall green house gas emissions policy, as seen in the London Plan, policy S12¹.

We welcome Policy 6 paragraph 4, the inclusion of policies requiring development to connect to district heating networks, however this policy needs to be made significantly stronger. The best example of which we are aware is draft policy SI13 of the draft London Plan. As the whole of South Tyneside is located over disused mine-

¹ London Plan – policy S12 - www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/draft-new-london-plan/chapter-9-sustainable-infrastructure/policy-si2-minimising#r-SI2

workings more heating schemes like the “Hebburn Minewater Project” should be invested in for housing schemes.

10. Objection made specifically regarding Policy 10 Disposal of Foul Water and Policy 11 Protecting Water Quality

The Local Plan is not justified because these policies are not able to ensure the Objectives for Protecting Water Quality will be achieved; and is not consistent with national policy.

The Local Plan does not refer to the current significant level of sewage pollution in South Tyneside. Population levels have increased considerably in the UK since Victorian times yet we are still using combined sewers that were constructed in the 19th century. If more housing development is permitted, especially on green spaces, more pressure will be exerted on an already failing sewage system. However, in the consultation on the Draft Local Plan, South Tyneside Council confirmed that no extra sewage will be added to the existing infrastructure on the recommendations of Northumbrian Water who have assured them the existing system will cope.

NPPF states “*20. Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for: ...
b) infrastructure for ...wastewater*”

NPPF states: “*185. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.*”

The Environmental Permitting Regulations 2016 Permits to discharge untreated sewage from Combined Sewer Overflows into watercourses during heavy rainfall are issued to water companies and regulated by the Environment Agency. There is growing evidence to show that these permits are being abused. Sewage is regularly discharged into South Tyneside watercourses in moderate rainfall. This is due to a lack of capacity at the sewage treatment works caused by a lack of investment and contravenes environmental law.

The Environment Agency (EA) has been required to install Event Duration Monitors (EDMs) in all Combined Sewer Overflows (CSOs). These record the number of discharges and the duration of the discharges. The Whitburn system remains in

breach of environmental law as of March 2021, but the EA want to wait 10 years to 'assess' the system.

The data supplied by the authorities needs to be treated with caution. In March 2020 the EA issued an apology after their published sewage discharge records for Whitburn for 2019 were challenged. They were forced to increase the volume of CSO discharges for Whitburn by 10% from 683,676 cubic metres to 760,993.5 cubic metres. In March 2021 Northumbrian Water issued an apology after their published untreated sewage discharge records for Hendon Sewage treatment works for 2019 were challenged. They were forced to increase their published hours of untreated discharges in 2019 from Hendon Sewage Treatment works by 4,000% from 15 hours 52 mins to 646 hours.

Sewage pollution is a contributor to climate change. Seagrasses can absorb more carbon up to 40 times faster than terrestrial forests and these ecosystems become sources of CO2 emissions when they are degraded or destroyed. A major driver of seagrass decline is nutrient pollution from sewage. A study has shown that 90% of the seagrass meadows in the UK have been lost to pollution. Locally, the seagrass meadows in the River Tyne estuary have been devastated by sewage flowing from nearby Combined Sewer Overflows.

Sewage pollution causes harm to public health. Recent epidemiological studies show a close relationship between contact with polluted waters and the incidence of gastro-intestinal, eye, ear, nose and throat infections or irritations and respiratory symptoms. This is a recognised problem for surfers, kite surfers, windsurfers, sailors, kayakers and wild swimmers. Even the dog walkers, joggers and walkers who all enjoy the access to South Tyneside's riverside and beaches throughout the year are at risk from sewage pollution.

Public Health is a material planning consideration. Local authorities have important and wide-ranging public health functions, for example under the Public Health (Control of Disease) Act 1984. This legislation adopts an 'all-hazards' approach and provides South Tyneside Council with the necessary powers to control human health risks arising from infection or contamination of any form including chemicals and radiation. Statutory duties for public health were conferred on local authorities by the Health and Social Care Act 2012. Local authorities (and directors of public health acting on their behalf) now have a critical role in protecting the health of their population, both in terms of helping to prevent threats arising and in ensuring appropriate responses when things do go wrong.

Health considerations are capable of being material planning considerations. This is recognised in the NPPF which includes the following statement at paragraph 92: *"Planning policies and decisions should aim to achieve healthy, inclusive and safe places."*

The health implications of exposure to the levels of sewage pollution regularly discharged into the River Tyne and on to the beaches of South Tyneside must be a material planning consideration with respect to future developments as, without an improvement in sewage treatment capacity, more development will bring about an inevitable increase in sewage pollution.

Response drafted by South Tyneside Green Party February 2024

Response ID BHLF-RUCU-JV1K-U

Submitted to Sustainability Appraisal 2024
Submitted on 2024-04-23 14:29:06

Have your say

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

Section of the SA:

Employment land

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

Comments:

3. Objection made regarding Sustainability Appraisal Report 2024 – Employment Land and policy SP14: Wardley Colliery

The Sustainability Appraisal Report 2024 notes that the Local Plan has increased the amount of land required for employment from the Draft Regulation 18 Local Plan. It notes that the level of employment growth underpinning this is high in the context of past trends.

This demonstrates that the Regulation 19 Draft Local Plan is not justified by the evidence base; the amount of land for employment allocated for employment is too high and more of this land needs to be utilised for housing development in existing urban areas. The removal from the Green Belt of the Wardley Colliery site in SP14 is not justified.

The Sustainability Appraisal Report states:

“Preferred Options

4.41 Within the Draft Local Plan 2019, the Council took forward the following preferred options for employment land: □ General Employment Land – Option 2: Policy-on Scenario □ Port and Marine Land – Option 3: Past Completions (net)

4.42 These options were selected because the Council considered them to have the most positive effects on SA objective 9 (encourage and support economic growth within South Tyneside) and SA objective 10 (increase opportunities for employment and education and improve living standards). The Council’s reasons for this were set out in the 2019 SA Report.

4.43 In the Draft Regulation 18 Local Plan (June 2022) the Council’s preferred scenario for employment land requirements over the Plan period was the Baseline Labour Demand Scenario. The reasons for this were set out in detail in the 2022 Employment Land Technical Paper, which explained that in choosing this scenario the Council was being cognisant of the constraints imposed by the Green Belt and the very high value placed on this resource by local communities.”

And

“4.45 In the Regulation 19 Draft Publication Plan, the Council’s preferred scenario for employment land requirements over the Plan period is the Policy-on Labour Demand Scenario. As explained in the 2023 Employment Land Technical Paper, the level of employment growth underpinning this scenario, which seeks to capture the impacts of IAMP on the general employment land market, is high in the context of past trends. The 2023 ELR advises that the IAMP proposals are expected to create significant employment opportunities in the wider supply chain. However, the ELR does caution that the ability to fully take advantage of these opportunities will depend on the ‘ability to offer good quality employment sites, with good access to the strategic road network and in close proximity to the IAMP.’”

The SAR also notes the negative impact of this preferred option for employment land:

“4.26 However, negative effects were recorded against a number of environmental objectives, reflecting the impact that a high economic growth could have upon the environment due to proximity existing designations, and increased impacts on natural resources, potential impacts on biodiversity and wildlife corridors. This level of growth is also likely to require land from the Green Belt to facilitate the growth aspirations; this objective therefore scored negatively against objective 4 (Green Belt) and objective 5 (green infrastructure) due to the potential impacts on the Green Infrastructure corridor.”

The Sustainable Appraisal Non-Technical Summary states in the section assessing the Likely Effects of the Local Plan Options:

“Preferred Options

34. In the Draft Regulation 18 Local Plan (June 2022) the Council’s preferred scenario for employment land requirements over the Plan period was the Baseline Labour Demand Scenario. In choosing this scenario the Council had been cognisant of the constraints imposed by the Green Belt and the very high value placed on this resource by local communities. In the Regulation 19 Draft Publication Plan, the Council’s preferred scenario for employment land requirements over the Plan period is the Policy-on Labour Demand Scenario. As explained in the 2023 Employment Land Technical Paper, the level of employment growth underpinning this scenario, which seeks to capture the impacts of IAMP on the general employment land market, is high in the context of past trends. The 2023 ELR advises that the IAMP proposals are expected to create significant employment opportunities in the wider supply chain. However, the ELR does caution that the ability to fully take advantage of these opportunities will depend on the ‘ability to offer good quality employment sites, with good access to the strategic road network and in close proximity to the IAMP.’”

3 What is your name?

Name:

Bev, Jon and Robyn Olds

4 What is your email address?

Email:

[REDACTED]

5 Who are you responding as?

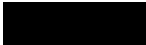
Resident or Member of the General Public

Organisation:

6 What is your postal address?

Address:





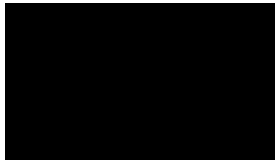
Joanne, Christopher, Jack and Harry West



Andrew Davison



Lauren and Nicholas Bagher



South Tyneside Green Party Response to South Tyneside Regulation 19 Draft Local Plan 2024

1. Objection made specifically regarding Policy SP2: Strategy for Sustainable Development

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

This policy must be revised to decrease the number of homes being planned for, in order to meet the requirement to be sound on the basis of being positively prepared, so that it meets the area's objectively assessed needs and is consistent with achieving sustainable development.

In SP2 paragraph 4.9 of the Local Plan it states:

"4.9 To determine the minimum number of homes needed, a local housing need assessment has been conducted using the standard method detailed in the national planning guidance. The standard method uses a formula to identify the minimum number of homes expected to be planned for in a way which addresses projected household growth and any historic under-supply. Using this approach the local housing needs assessment has concluded that for the plan period (1st April 2023 to 31st March 2040) 309 dwellings are required every year. This produces an overall minimum housing requirement of 5,253 new homes over the Plan period. The household projections that inform the housing baseline are the 2014-based household projections. This figure could change upwards or downwards based on new data. South Tyneside's housing requirement will not be 'locked in' until the Plan is submitted to the independent Planning Inspectorate."

The Local Plan is based on inaccurate population projections. Census data show a consistently falling population in South Tyneside, from 157,200 in 1991, to 152,785 in 2001, to 148,127 in 2011, to 147,800 in 2021. Yet the Local Plan assumes a population of 151,936 for 2021, an overestimate of 4,136, and that it would continue to increase over the next 20 years.

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

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

The East Boldon Neighbourhood Forum received the following statement from the Department for Levelling Up, Housing & Communities, written by Alan C Scott, Planning policy adviser on behalf of the Secretary of State:

“In 2018 the Framework introduced a standard method for calculating local housing need to make the process simple, quick and transparent. “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”.

The NPPF paragraph 5 and 6 states:

“5. National policy statements form part of the overall framework of national planning policy, and may be a material consideration in preparing plans and making decisions on planning applications.

6. Other statements of government policy may be material when preparing plans or deciding applications, such as relevant Written Ministerial Statements and endorsed recommendations of the National Infrastructure Commission.”

Michael Jenrick, then Secretary of State for Housing, Communities and Local Government, made a Written Statement 16th December 2020:

“There were many consultation responses which did not fully recognise that the standard method for assessing Local Housing Need does not present a ‘target’ in plan-making, but instead provides a starting point for determining the level of need for housing in an area. It is only after consideration of this, alongside what constraints areas face, such as the Green Belt, and the land that is actually available for development, that the decision on how many homes should be planned for is made.”

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

“Today’s update to the National Planning Policy Framework (NPPF)

It provides clearer protection for the Green Belt, clarity on how future housing supply should be assessed in plans and on the responsibility of urban authorities to play their full part in protecting the character of precious neighbourhoods.

The new NPPF will: facilitate flexibility for local authorities in relation to local housing need; clarify a local lock on any changes to Green Belt boundaries;

The new NPPF makes clear that the outcome of the standard method is an advisory starting point in plan making for establishing the housing requirements for an area.”

The above is supported by guidance in The House of Commons Library published on 27 August 2021 “Calculating housing need in the planning system (England)” which states in 2.4:

“A starting point, not a target? Land constraints and the standard method. The standard method is intended to be the starting point in determining how many homes an LPA can and should deliver, but is not a target. LPAs must also take account (for example) of land constraints, such as the Green Belt.”

<https://commonslibrary.parliament.uk/research-briefings/cbp-9268/>

This means that South Tyneside Council is able to determine its housing requirement and can take into account the restraint of the Green Belt.

2. Objection to development on the Green Belt, made specifically regarding Policies SP3: Spatial Strategy for Sustainable Development and SP7: Urban and Village Sustainable Growth Areas

These policies are not justified by the evidence and the case for exceptional circumstances to amend the Green Belt boundary has not been made.

The Local Plan must be revised to remove the proposed amendment to the Green Belt boundary to allocate additional land for housing and to withdraw all of the sites proposed for removal from the Green Belt: GA1-6 and SP8.

The Green Belt land allocation in the Local Plan is for 2,308 new homes but there is no justification for building on this precious resource. The Green Belt does not need to be built on and therefore the least harm to this resource is no further development at all on the Green Belt and exceptional circumstances have not been established. The Local Plan must be revised in order to meet the requirement to be sound on the basis of being justified, as an appropriate strategy, taking into account the reasonable alternatives and based on proportionate evidence; and on the basis of being consistent with national policy.

In the Local Plan, Policy SP3: Spatial Strategy for Sustainable Development proposes amending the Green Belt boundary to allocate additional land for housing and Policy SP7 Urban and Village Sustainable Growth Areas proposes the removal of sites from the Green Belt and allocation for housing development.

The Local Plan states in Policy SP3: Spatial Strategy for sustainable development:

“To meet the identified needs in Policy SP2 and to facilitate sustainable growth, the Plan will:

- 1. Support the sustainability of existing communities by focusing growth within the Main Urban Area including South Shields, Hebburn and Jarrow*
- 2. 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*
- 3. Encourage the re-use of suitable and viable brownfield land and, where appropriate, encourage higher development densities.*
- 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*
- 5. Create a new sustainable, community within the Fellgate Sustainable Growth Area (Policy SP8) by providing homes and community facilities.*
- 6. Prioritise the regeneration of South Shields Riverside, South Shields Town Centre, Fowler Street Improvement Area, and the Foreshore Improvement Area*
- 7. Prioritise economic development in designated Employment Areas, including the Port of Tyne, that are accessible by a range of transport modes and allocate additional land at Wardley Colliery*
- 8. Enhance and strengthen green infrastructure, ecological networks and Green Belt throughout South Tyneside and between neighbouring authorities.*

The National Planning Policy Framework (NPPF) states:

“140. Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period”

As demonstrated in Objection 1 above, there is no evidence that the housing requirement for the Plan period is at a level requiring development on the Green Belt. The strategic need has not been proven, for example there has been no cooperation with neighbouring local authorities which have Local Plans that intend to cumulatively build in excess of 19,000 houses above their respective ONS 2018 housing projections.

Sunderland Local Plan –	10,755 excess houses by 2033
Gateshead Local Plan –	6,337 excess houses by 2030
North Tyneside Local Plan -	2,238 excess houses by 2032

A planning appeal decision has confirmed the protected status of the Green Belt. This decision reiterates and reinforces the protection from inappropriate development given to the Green Belt in national planning policy.

Broke Hill golf course

In the Broke Hill case in Sevenoaks, Kent, the Inspector confirmed that, where planning policies protect areas of particular importance and provide a clear reason for refusing the development, the so-called “tilted balance” presumption in favour of granting planning permission does not apply.

For Broke Hill, the planning policies in this case related to protection of the Green Belt. This is especially important as Sevenoaks does not have the required five-year supply of housing land nor has it met the government’s housing delivery test for 2021. The inspector noted a number of benefits of the proposed development including provision of affordable housing. However, he concluded that notwithstanding the lack of five-year housing supply, the housing delivery test, and the benefits, this did not outweigh the harm that would be caused to the Green Belt, and were not sufficient to override national and local planning policies protecting the Green Belt. “The tilted balance is not invoked, however, because the Framework at Paragraph 11d(i) and footnote 7 protects both areas and assets of particular importance, which include the Green Belt, and provides a clear reason to dismiss the appeal.” Stephen Wilkinson, Inspector Planning Inspectorate decision Broke Hill golf course 31 January 2022

This case along with ministerial statements demonstrates that the Local Plan fails to be consistent with national planning policy to protect the Green Belt, as specified in paragraph 11 of the National Planning Policy Framework.

The Local Plan must be revised to remove the proposed amendment to the Green Belt boundary to allocate additional land for housing and to withdraw all of the sites proposed for removal from the Green Belt.

Furthermore, the Local Plan is not justified because the NPPF states:

“141. Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph, and whether the strategy:

a) makes as much use as possible of suitable brownfield sites and underutilised land;

b) optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum

density standards in town and city centres and other locations well served by public transport; and

c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.”

Regarding paragraph “a”, it has not been proven that all brownfield sites have been considered.

There are underutilised sites such as areas in South Shields town centre where previously developed land is used for car parking rather than housing like the area at the Mill Dam in South Shields, the former Staithes House and surrounding land near the town centre has been cleared for development for decades. The large office building at Harton Quay was leased by BT Group until last year but BT Group then closed its office and redeployed its 500 staff to other parts of the North East.

These are areas close to South Shields transport interchange and so would satisfy paragraph “b” the need to promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport.

The failure to rent out office space also drawn into question the planned 200,000 sq ft of office space in the adjacent Holborn development especially as the Utilitywise office building just down river had to be converted to flats after lying empty for a long period.

Planners overlooked possible brownfield sites across South Tyneside. Questions raised over validity of the reasons for rejection have not been answered. Some examples are the health clinic site near the ambulance station on Boldon Lane, the Pickwick pub in Biddick Hall, the former Methodist church on Bede Burn Road, the former Park Hotel on Lawe Road have not been included in the Local Plan.

Immediately after the Regulation 18 consultation in 2022, planning permission was given for 446 houses on the former Hawthorn Leslie shipyard that had lain redundant for several years. This was not included in the Regulation 18 Draft Plan. A similar situation exists at the former Rohm and Hass brownfield site near Jarrow town centre that would comply with 141 a) and b). This land if designated for industry could be released for housing as the land designated for employment in the Regulation 19 Local Plan is not justified by the evidence.

A further statement which is insufficient is paragraph 4.31, Sustainable Urban and Village Extensions:

“The Council has undertaken an extensive Green Belt review to identify land which would cause the least harm to the purposes of the Green Belt, that is considered suitable for development, and that could create a new defensible Green Belt boundary. Through this work, the Council has also established the exceptional circumstances to justify amending the Green Belt boundary at each location.

Following consultation on the Plan, the Council will undertake a Green Belt boundary review which will review the entire Green Belt boundary to ensure that it has a strong and defensible boundary as required by the NPPF.”

It has been shown that the Green Belt does not need to be built on and therefore the least harm to this resource is no further development at all on the Green Belt and exceptional circumstances have not been established.

Regarding paragraph “c”, there is no evidence that the aggregated housing assessments of the neighbouring authorities has been compared with the projected population levels of these authorities to show that there will be no overall supply. The simple statement in 4.28 in the Local Plan is insufficient:

“28. Prior to identifying land in the Green Belt the Council has, as part of Duty to Cooperate, discussed whether neighbouring authorities could accommodate additional housing. As set out in the Duty to Cooperate Statement, neighbouring authorities have confirmed that they would be unable to provide land to meet South Tyneside’s needs.”

The duty to cooperate has not been evidenced as required by guidance such as PAS – Doing your duty practice update [doing-your-duty-practice--1a3.pdf \(local.gov.uk\)](https://www.local.gov.uk/doing-your-duty-practice--1a3.pdf)

The recommendations in this have not been followed including number 10:

“10. Plans should reflect joint working and cooperation to address larger than local issues. In many cases, joint studies with other local planning authorities formed part of the evidence used to demonstrate compliance with the duty. Past cooperation put many local planning authorities in a strong position, particularly where this has resulted in the preparation of sub-regional strategies, joint studies or common methodologies on SHMA, Strategic Flood Risk Assessment, economic assessments, Green Infrastructure studies, landscape and renewables assessments, and transport studies.”

This failure is evident in the vast over provision of housing as previously shown and shared infrastructure for example the health and sewage systems between South Tyneside and Sunderland as well as employment at IAMP. This shows that the Plan is not sound.

3. Objection made regarding Sustainability Appraisal Report 2024 – Employment Land and policy SP14: Wardley Colliery

The Sustainability Appraisal Report 2024 notes that the Local Plan has increased the amount of land required for employment from the Draft Regulation 18 Local Plan. It notes that the level of employment growth underpinning this is high in the context of past trends.

This demonstrates that the Regulation 19 Draft Local Plan is not justified by the evidence base; the amount of land for employment allocated for employment is too high and more of this land needs to be utilised for housing development in existing urban areas. The removal from the Green Belt of the Wardley Colliery site in SP14 is not justified.

The Sustainability Appraisal Report states:

“Preferred Options

4.41 Within the Draft Local Plan 2019, the Council took forward the following preferred options for employment land: ■ General Employment Land – Option 2: Policy-on Scenario ■ Port and Marine Land – Option 3: Past Completions (net)

4.42 These options were selected because the Council considered them to have the most positive effects on SA objective 9 (encourage and support economic growth within South Tyneside) and SA objective 10 (increase opportunities for employment and education and improve living standards). The Council’s reasons for this were set out in the 2019 SA Report.

4.43 In the Draft Regulation 18 Local Plan (June 2022) the Council’s preferred scenario for employment land requirements over the Plan period was the Baseline Labour Demand Scenario. The reasons for this were set out in detail in the 2022 Employment Land Technical Paper, which explained that in choosing this scenario the Council was being cognisant of the constraints imposed by the Green Belt and the very high value placed on this resource by local communities.”

And

“4.45 In the Regulation 19 Draft Publication Plan, the Council’s preferred scenario for employment land requirements over the Plan period is the Policy-on Labour Demand Scenario. As explained in the 2023 Employment Land Technical Paper, the level of employment growth underpinning this scenario, which seeks to capture the impacts of IAMP on the general employment land market, is high in the context of past trends. The 2023 ELR advises that the IAMP proposals are expected to create significant employment opportunities in the wider supply chain. However, the ELR does caution that the ability to fully take advantage of these opportunities will depend on the ‘ability to offer good quality employment sites, with good access to the strategic road network and in close proximity to the IAMP’.”

The SAR also notes the negative impact of this preferred option for employment land:

“4.26 However, negative effects were recorded against a number of environmental objectives, reflecting the impact that a high economic growth could have upon the environment due to proximity existing designations, and increased impacts on natural resources, potential impacts on biodiversity and wildlife corridors. This level of growth is also likely to require land from the Green Belt to facilitate the growth aspirations; this objective therefore scored negatively against objective 4 (Green

Belt) and objective 5 (green infrastructure) due to the potential impacts on the Green Infrastructure corridor.”

The Sustainable Appraisal Non-Technical Summary states in the section assessing the Likely Effects of the Local Plan Options:

“Preferred Options

34. In the Draft Regulation 18 Local Plan (June 2022) the Council’s preferred scenario for employment land requirements over the Plan period was the Baseline Labour Demand Scenario. In choosing this scenario the Council had been cognisant of the constraints imposed by the Green Belt and the very high value placed on this resource by local communities. In the Regulation 19 Draft Publication Plan, the Council’s preferred scenario for employment land requirements over the Plan period is the Policy-on Labour Demand Scenario. As explained in the 2023 Employment Land Technical Paper, the level of employment growth underpinning this scenario, which seeks to capture the impacts of IAMP on the general employment land market, is high in the context of past trends. The 2023 ELR advises that the IAMP proposals are expected to create significant employment opportunities in the wider supply chain. However, the ELR does caution that the ability to fully take advantage of these opportunities will depend on the ‘ability to offer good quality employment sites, with good access to the strategic road network and in close proximity to the IAMP’.”

4. Objection made regarding Density Report 2024 and paragraph 8.24 of the Local Plan

The Local Plan is not justified by the evidence as set out in the Density Report 2024 of housing density achieved since the last housing density report in 2018. The Local Plan in paragraph 8.24 sets a lower average housing density than has been achieved which means it is not consistent with the NPPF.

The Density Report 2024 states:

“2.3 Paragraph 125 of the NPPF highlights the importance of avoiding homes being built at low densities, where there is an anticipated shortage of land for meeting identified housing needs. Planning policies should avoid homes being built at low densities and ensure optimal use of land by using minimum density standards. These standards aim to uplift the average density of residential development and the use of these standards should be used in other parts of the plan area. Minimum density standards should also be used in a way which ensures that applications which fail to make efficient use of land be refused.”

It states in the Summary

“4.1 Following the four assessments several conclusions can be drawn with regards to density patterns throughout South Tyneside. Since the previous Density study in 2018:

- *The average density of sites assessed was 66 dwellings per hectare based on net site area. This is an increase of 16 dwellings per hectare since the previous study.*
- *The assessments showed that density declined as site area increased and that sites less than 1 hectare had a density significantly higher than those over 1 hectare. Sites less than 1 hectare had an average density of 82 dwellings per hectare. Sites over 1 hectare had a density of 40 dwellings per hectare.*
- *In general sites with a higher yield had typically lower densities. Sites with less than 50 dwellings had an average density of 50 dwellings per hectare whereas sites with more than 250 dwellings had an average density of 28 dwellings per hectare.*
- *Sites in the urban area of South Shields had the highest densities with an average of 72 dwellings per hectare. This is likely due to the nature of the area and the large proportion of smaller sites.*
- *Compared to the standard density buffers in Policy SC3 of the adopted LDF and the Strategic Housing Land Availability Assessment higher densities were achieved across all three categories. “*

However, the Recommendations for Housing Density which have been utilised by the Regulation 19 Draft Local Plan are lower than the densities which have been achieved. The Density Report states:

“6.1 Housing yield must ultimately be determined by design. However, for the purposes of estimating housing yield as part of the Strategic Housing Land Availability Assessment and Local Plan site selection process the following density calculations are recommended:

- *Average 60 dwellings per hectare on sites within 400m in the Jarrow and Inner South Shields character areas (higher densities may also be appropriate on a site by site basis e.g. by the riverside on sites such as Holborn and Hawthorn Leslie);*
- *Average 55 dwellings per hectare on sites within 400m in the rest of the borough;*
- *Average 45 dwellings per hectare on sites between 400m – 800m in the rest of the borough; and*
- *Average 35 dwellings per hectare on sites beyond 800m in the rest of the borough.*

6.2 These densities will be used to estimate site capacities in the Strategic Housing Land Availability Assessment where other information (e.g. planning applications, information from developers etc.) is not available. Should this information be available it will be used.”

The Density Report 2024 also underestimates the housing densities which have been achieved because two very large urban brownfield sites have been excluded from the assessment:

“3.2 Whilst permission was given to 26 sites during this period only 24 sites will be used in this study. The sites at Leslie Hawthorn and Holborn have been omitted from this study as due to the nature of those sites they present an anomaly in the

densities. These sites have a much higher density as to be viable sites for the developers more dwellings on site were required. These sites have a much higher proportion of flats and apartments than others of this size and location. Therefore, to be able to analyse patterns and trends in the data these 2 sites have been treated as anomalies.”

If these two sites were included in the assessment, the average density achieved would be higher and the discrepancy between this and the recommendations for average density for the Local Plan would be even greater.

5. Objection made specifically regarding Policy 18: Affordable Housing, Policy 19: Housing Mix and Policy 20: Technical Design Standards for New Homes

The Local Plan is not justified and is not consistent with the NPPF in terms of meeting the housing needs identified in the Strategic Housing Market Assessment (SHMA) 2023.

In the section on Housing Allocations the Local Plan states:

“5.4 When allocating sites to meet the housing requirement, the Plan has looked to ensure the right homes are delivered in the right places, taking into account need, demand, deliverability, sustainability and improving choice.”

The SHMA 2023 has identified an annual need for 361 affordable homes each year across the borough which justifies the need for a robust affordable housing policy which will provide mechanisms to help meet this affordable need. Yet the same document states in the Executive Summary:

“It is recommended that the current target for 75% market and 25% affordable is maintained.” And in Paragraph 7.10 states: *“The SHMA would suggest that an overall target of 25% affordable housing should continue to be applied. This will be subject to viability testing before a target can be established for affordable housing in the emerging Local Plan.”*

The proposed proportion of affordable homes in Cleadon and East Boldon is 30%, but as median house prices in this area are £225,000 the accepted definition of affordable being 80% of market value means they will still be unaffordable to the very people requiring this provision.

The NPPF states *“62. Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).”*

Particular needs identified in the SHMA 2023 are:

- *“Increasing and diversifying the supply of specialist housing for older people. There is a need for 3,060 more units of accommodation for older people by 2040 comprising 1,803 C3 units, 885 C2 Extra Care units and 372 C2 Residential care units*
- *Based on an assessment of additional needs and longer-term demographics, a minimum of 5% of new dwellings should be built to M4(3) wheelchair accessible standard; and all other new dwellings should be built to M4(2) accessible and adaptable standard.”*

However the Local Plan fails to implement these recommendations in full as Policy 20: Technical Design Standards for New Homes states:

*“1. To meet the needs of older people and people with disabilities, a minimum of 5% of new build housing in developments of 50 homes or more shall be built to Building Regulations Requirement M4(3) (wheelchair user dwellings).
2. All residential dwellings shall be designed to be built to meet Building Regulations Requirement M4(2): (Accessible and adaptable dwellings) except where it can be demonstrated that this is impractical or unviable due to site specific constraints.”*

Policy 20 introduces a condition that this target for wheelchair user dwellings (ie Building Regulations Requirement M4(3)) will only apply in housing developments of 50 homes or more. This means that the Local Plan is not justified by the evidence of the need for these type of homes.

6. Support for Policy 16: Houses in Multiple Occupation

We welcome Policy 16 Houses in Multiple Occupation (HMO) as this is justified by the evidence of clustering of HMOs in particular areas of the borough and the need for further measures in paragraph 2 of the policy for the Lawe Top Article 4 Direction area.

7. Objection made specifically regarding Policy 1 Promoting Healthy Communities and Policy 2 Air Quality; and SP5: Former Brinkburn Comprehensive School and SP6: Former Chuter Ede Education Centre

The Local Plan is not justified because these policies will not ensure the Strategic Objectives for Promoting Healthy Communities will be achieved; and these policies are not consistent with national policy.

The Local Plan proposes the development of several vital community open spaces, for example the playing field land at Chuter Ede and Brinkburn School, despite stating in Policy 1:

“The Council and its partners, including the NHS, will seek to improve the health, wellbeing and quality of life of South Tyneside residents, reduce health inequalities, and to help people live longer and healthier lives. This will be achieved by:

1. Supporting new development which: i. Increases opportunities for physical activity and active travel through the provision of good quality sport and recreation facilities and safe and accessible walking, cycling and public transport networks.”

and

“iii. Enhances the green and blue infrastructure network and supports climate change mitigation and adaptation.”

These community open spaces must be protected and removed from the Local Plan as sites for development. The importance of these community open spaces is recognised in NPPF paragraph 98, 20-23, 26 and 92.

Building on playing fields for example at Chuter Ede has the exact opposite effect to the objective, increasing the local population while removing green space playing fields that are used for exercise.

There is little in the Local Plan that would fulfil the Strategic Objectives for Promoting Healthy Communities. In fact, some parts of the plan make the situation worse including the proposed development in areas that will promote car use such as in Cleadon, East Boldon and Whitburn. These developments will typically have two cars per household, adding potentially thousands of car journeys on an already congested road system. This will have a detrimental effect road safety and on the local environment due to noise and exhaust emissions. Some areas have air pollution levels already in excess of the World Health Organisation recommended maximums. These vehicle journeys will only make this more dangerous as there are no safe levels for these pollutants.

The Local Plan states in paragraph 6.14: *“The importance of good air quality is recognised by the World Health Organisation which produced a series of standards that have been adopted by the European Commission and subsequently the UK”.*

A Local Authority recognising this will be aware that the World Health Organisation (WHO) air quality standards were revised in 2021 and the recommended pollutant levels, to be achieved, were revised down by a considerable amount. NOTE: These are not safe levels as scientists do not consider any amount to be safe. It is inconceivable that the UK national standards will not be reduced to reflect these changes.

In the Local Plan, Policy 2: Air Quality states *“2. Where significant air quality impacts are likely to be generated by the development, an appropriate air quality assessment will be required”.* Due to the changes in WHO levels it is reasonable to predict large areas of the Borough will exceed these and the proposed developments in Policy SP7: Urban and Village Sustainable Growth Areas in particular will result in unsafe air pollution.

The council has a duty as far as reasonably practicable to ensure the health and safety of its residents. Given the above, the Local Plan must be revised to take into consideration the results of the proposed developments on air quality and specified measures that would reduce pollution levels to the minimum possible.

NPPF states in 186: “Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications.”

The Local Plan has failed to identify these opportunities adequately and therefore is not consistent with the NPPF and this demonstrates that the Local Plan is not sound.

NPPF states: “31. The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned...”

The revised WHO air pollution levels are relevant and up-to-date and should be a material consideration.

8. Objection made specifically regarding Section 7: Meeting the Challenge of Climate Change, Flooding and Coastal Change

The Local Plan is not sound because it is not compliant with the Climate Change Act 2008 and Planning and Compulsory Purchase Act 2004 (as amended) duties or consistent with NPPF guidance – carbon accounting and climate mitigation.

The increased carbon emissions from the development proposed in the Local Plan will add to South Tyneside’s carbon footprint and add to the climate change emergency.

National legislation and guidance strongly stress the central role of the planning system in securing radical reductions in greenhouse gas emissions and require Local Plans to:

The policies should aim to secure radical carbon reductions in line with a trajectory for the authority area that is consistent with the UK achieving full carbon neutrality by 2050, and in the short term should test the policy options available to achieve the highest level of ambition possible to meet this goal.

As far as possible, all new development should be zero carbon given that the country's net zero target must be met in the next 30 years. A good example from another area is Reading Council: *"The council's 2019 Local Plan requires that all new residential developments of ten or more homes are built to zero carbon standards if possible."* Zero carbon is an achievable standard.

Adoption of this strategy aligns with the councils own stated aims of the Economic Recovery Plan 2020 to *Catalyse green and sustainable growth by maximising the potential of our low-carbon and digital assets and expertise.*

With regards to Policy 15 much is to be welcomed. 15.1 states *Improve the condition of existing homes by enhancing energy efficiency and reducing carbon emissions in existing buildings* And 15.4 *Facilitate improvements to properties that have traditionally suffered from poor management and under-investment*

However, currently demolition is placed far too highly as an option for the current housing stock. Refitting and retrofitting is by far the less carbon intensive approach so demolition must be de-prioritised.

The Local Plan must be revised in order to bring it into compliance with legislative and policy requirements around climate change and the councils stated ambitions.

9. Objection made specifically regarding Policy 6: Renewables and Low Carbon Energy Generation

The Local Plan is not sound because this policy is not consistent with national policy.

NPPF 156 states: *"Local planning authorities should support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning."*

We welcome Policy 6 paragraph 2 supporting the inclusion of renewable energy into developments, but the text is not strong enough, and once again, will not change business as usual development approaches. A requirement to include and maximise on-site renewable energy generation needs to be folded into an overall green house gas emissions policy, as seen in the London Plan, policy S12¹.

We welcome Policy 6 paragraph 4, the inclusion of policies requiring development to connect to district heating networks, however this policy needs to be made significantly stronger. The best example of which we are aware is draft policy SI13 of the draft London Plan. As the whole of South Tyneside is located over disused mine-

¹ London Plan – policy S12 - www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/draft-new-london-plan/chapter-9-sustainable-infrastructure/policy-si2-minimising#r-SI2

workings more heating schemes like the “Hebburn Minewater Project” should be invested in for housing schemes.

10. Objection made specifically regarding Policy 10 Disposal of Foul Water and Policy 11 Protecting Water Quality

The Local Plan is not justified because these policies are not able to ensure the Objectives for Protecting Water Quality will be achieved; and is not consistent with national policy.

The Local Plan does not refer to the current significant level of sewage pollution in South Tyneside. Population levels have increased considerably in the UK since Victorian times yet we are still using combined sewers that were constructed in the 19th century. If more housing development is permitted, especially on green spaces, more pressure will be exerted on an already failing sewage system. However, in the consultation on the Draft Local Plan, South Tyneside Council confirmed that no extra sewage will be added to the existing infrastructure on the recommendations of Northumbrian Water who have assured them the existing system will cope.

NPPF states “*20. Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for: ...
b) infrastructure for ...wastewater*”

NPPF states: “*185. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.*”

The Environmental Permitting Regulations 2016 Permits to discharge untreated sewage from Combined Sewer Overflows into watercourses during heavy rainfall are issued to water companies and regulated by the Environment Agency. There is growing evidence to show that these permits are being abused. Sewage is regularly discharged into South Tyneside watercourses in moderate rainfall. This is due to a lack of capacity at the sewage treatment works caused by a lack of investment and contravenes environmental law.

The Environment Agency (EA) has been required to install Event Duration Monitors (EDMs) in all Combined Sewer Overflows (CSOs). These record the number of discharges and the duration of the discharges. The Whitburn system remains in

breach of environmental law as of March 2021, but the EA want to wait 10 years to 'assess' the system.

The data supplied by the authorities needs to be treated with caution. In March 2020 the EA issued an apology after their published sewage discharge records for Whitburn for 2019 were challenged. They were forced to increase the volume of CSO discharges for Whitburn by 10% from 683,676 cubic metres to 760,993.5 cubic metres. In March 2021 Northumbrian Water issued an apology after their published untreated sewage discharge records for Hendon Sewage treatment works for 2019 were challenged. They were forced to increase their published hours of untreated discharges in 2019 from Hendon Sewage Treatment works by 4,000% from 15 hours 52 mins to 646 hours.

Sewage pollution is a contributor to climate change. Seagrasses can absorb more carbon up to 40 times faster than terrestrial forests and these ecosystems become sources of CO2 emissions when they are degraded or destroyed. A major driver of seagrass decline is nutrient pollution from sewage. A study has shown that 90% of the seagrass meadows in the UK have been lost to pollution. Locally, the seagrass meadows in the River Tyne estuary have been devastated by sewage flowing from nearby Combined Sewer Overflows.

Sewage pollution causes harm to public health. Recent epidemiological studies show a close relationship between contact with polluted waters and the incidence of gastro-intestinal, eye, ear, nose and throat infections or irritations and respiratory symptoms. This is a recognised problem for surfers, kite surfers, windsurfers, sailors, kayakers and wild swimmers. Even the dog walkers, joggers and walkers who all enjoy the access to South Tyneside's riverside and beaches throughout the year are at risk from sewage pollution.

Public Health is a material planning consideration. Local authorities have important and wide-ranging public health functions, for example under the Public Health (Control of Disease) Act 1984. This legislation adopts an 'all-hazards' approach and provides South Tyneside Council with the necessary powers to control human health risks arising from infection or contamination of any form including chemicals and radiation. Statutory duties for public health were conferred on local authorities by the Health and Social Care Act 2012. Local authorities (and directors of public health acting on their behalf) now have a critical role in protecting the health of their population, both in terms of helping to prevent threats arising and in ensuring appropriate responses when things do go wrong.

Health considerations are capable of being material planning considerations. This is recognised in the NPPF which includes the following statement at paragraph 92: *"Planning policies and decisions should aim to achieve healthy, inclusive and safe places."*

The health implications of exposure to the levels of sewage pollution regularly discharged into the River Tyne and on to the beaches of South Tyneside must be a material planning consideration with respect to future developments as, without an improvement in sewage treatment capacity, more development will bring about an inevitable increase in sewage pollution.

Response drafted by South Tyneside Green Party February 2024

Submitted to Sustainability Appraisal 2024

Submitted on 2024-04-23 14:30:24

Have your say

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

Section of the SA:

Employment land

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

Comments:

3. Objection made regarding Sustainability Appraisal Report 2024 – Employment Land and policy SP14: Wardley Colliery

The Sustainability Appraisal Report 2024 notes that the Local Plan has increased the amount of land required for employment from the Draft Regulation 18 Local Plan. It notes that the level of employment growth underpinning this is high in the context of past trends.

This demonstrates that the Regulation 19 Draft Local Plan is not justified by the evidence base; the amount of land for employment allocated for employment is too high and more of this land needs to be utilised for housing development in existing urban areas. The removal from the Green Belt of the Wardley Colliery site in SP14 is not justified.

The Sustainability Appraisal Report states:

“Preferred Options

4.41 Within the Draft Local Plan 2019, the Council took forward the following preferred options for employment land: □ General Employment Land – Option 2: Policy-on Scenario □ Port and Marine Land – Option 3: Past Completions (net)

4.42 These options were selected because the Council considered them to have the most positive effects on SA objective 9 (encourage and support economic growth within South Tyneside) and SA objective 10 (increase opportunities for employment and education and improve living standards). The Council's reasons for this were set out in the 2019 SA Report.

4.43 In the Draft Regulation 18 Local Plan (June 2022) the Council's preferred scenario for employment land requirements over the Plan period was the Baseline Labour Demand Scenario. The reasons for this were set out in detail in the 2022 Employment Land Technical Paper, which explained that in choosing this scenario the Council was being cognisant of the constraints imposed by the Green Belt and the very high value placed on this resource by local communities.”

And

“4.45 In the Regulation 19 Draft Publication Plan, the Council's preferred scenario for employment land requirements over the Plan period is the Policy-on Labour Demand Scenario. As explained in the 2023 Employment Land Technical Paper, the level of employment growth underpinning this scenario, which seeks to capture the impacts of IAMP on the general employment land market, is high in the context of past trends. The 2023 ELR advises that the IAMP proposals are expected to create significant employment opportunities in the wider supply chain. However, the ELR does caution that the ability to fully take advantage of these opportunities will depend on the ‘ability to offer good quality employment sites, with good access to the strategic road network and in close proximity to the IAMP.’”

The SAR also notes the negative impact of this preferred option for employment land:

“4.26 However, negative effects were recorded against a number of environmental objectives, reflecting the impact that a high economic growth could have upon the environment due to proximity existing designations, and increased impacts on natural resources, potential impacts on biodiversity and wildlife corridors. This level of growth is also likely to require land from the Green Belt to facilitate the growth aspirations; this objective therefore scored negatively against objective 4 (Green Belt) and objective 5 (green infrastructure) due to the potential impacts on the Green Infrastructure corridor.”

The Sustainable Appraisal Non-Technical Summary states in the section assessing the Likely Effects of the Local Plan Options:

“Preferred Options

34. In the Draft Regulation 18 Local Plan (June 2022) the Council's preferred scenario for employment land requirements over the Plan period was the Baseline Labour Demand Scenario. In choosing this scenario the Council had been cognisant of the constraints imposed by the Green Belt and the very high value placed on this resource by local communities. In the Regulation 19 Draft Publication Plan, the Council's preferred scenario for employment land requirements over the Plan period is the Policy-on Labour Demand Scenario. As explained in the 2023 Employment Land Technical Paper, the level of employment growth underpinning this scenario, which seeks to capture the impacts of IAMP on the general employment land market, is high in the context of past trends. The 2023 ELR advises that the IAMP proposals are expected to create significant employment opportunities in the wider supply chain. However, the ELR does caution that the ability to fully take advantage of these opportunities will depend on the ‘ability to offer good quality employment sites, with good access to the strategic road network and in close proximity to the IAMP.’”

3 What is your name?

Name:

Joyce and Bill Hills

4 What is your email address?

Email:

[REDACTED]

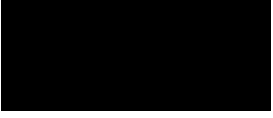
5 Who are you responding as?

Resident or Member of the General Public

Organisation:

6 What is your postal address?

Address:




Objection to the Local Plan

From Ann West 

Date Sat 3/2/2024 8:04 PM

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

 1 attachments (182 KB)

South-Tyneside-Green-Party-Response-to-Local-Plan-2024.pdf;

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

We the below wish to submit an objection to the Local Plan as it stands and as detailed by the attached Green Party objections, which we agree with and heartedly support.

As residents of Cleadon we are already experiencing problems related to a shortfall in the provision of infrastructure such as congested roads, lack of health services, fully subscribed schools, sewage overspill/inadequate sewage works and seasonal flooding.

The 204 houses that are to be built on the brownfield/industrial site on Cleadon Lane will stretch these services further without adding the additional proposed housing on the Green Belt.

After attending one of the South Tyneside Council planning proposal meetings it appears the only reason the Council want to release these Green Field sites, is the revenue they will receive, but with no guarantee that the developers will provide the necessary infrastructure to support this increase in housing and local population.

Very little consideration has been placed on the benefits to us all of having green areas to promote wellbeing both from an aesthetic element and the ability to get out into nature for activities such as walking and cycling without having the worries of increased traffic and noise.

Yours sincerely

Jennie and Ann West



Nicola, David and Megan West



Bev, Jon and Robyn Olds

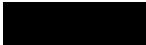


Joyce and Bill Hills



Hilary, Mammed and Alex Bagher





Joanne, Christopher, Jack and Harry West



Andrew Davison



Lauren and Nicholas Bagher



South Tyneside Green Party Response to South Tyneside Regulation 19 Draft Local Plan 2024

1. Objection made specifically regarding Policy SP2: Strategy for Sustainable Development

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

This policy must be revised to decrease the number of homes being planned for, in order to meet the requirement to be sound on the basis of being positively prepared, so that it meets the area's objectively assessed needs and is consistent with achieving sustainable development.

In SP2 paragraph 4.9 of the Local Plan it states:

"4.9 To determine the minimum number of homes needed, a local housing need assessment has been conducted using the standard method detailed in the national planning guidance. The standard method uses a formula to identify the minimum number of homes expected to be planned for in a way which addresses projected household growth and any historic under-supply. Using this approach the local housing needs assessment has concluded that for the plan period (1st April 2023 to 31st March 2040) 309 dwellings are required every year. This produces an overall minimum housing requirement of 5,253 new homes over the Plan period. The household projections that inform the housing baseline are the 2014-based household projections. This figure could change upwards or downwards based on new data. South Tyneside's housing requirement will not be 'locked in' until the Plan is submitted to the independent Planning Inspectorate."

The Local Plan is based on inaccurate population projections. Census data show a consistently falling population in South Tyneside, from 157,200 in 1991, to 152,785 in 2001, to 148,127 in 2011, to 147,800 in 2021. Yet the Local Plan assumes a population of 151,936 for 2021, an overestimate of 4,136, and that it would continue to increase over the next 20 years.

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

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

The East Boldon Neighbourhood Forum received the following statement from the Department for Levelling Up, Housing & Communities, written by Alan C Scott, Planning policy adviser on behalf of the Secretary of State:

“In 2018 the Framework introduced a standard method for calculating local housing need to make the process simple, quick and transparent. “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”.

The NPPF paragraph 5 and 6 states:

“5. National policy statements form part of the overall framework of national planning policy, and may be a material consideration in preparing plans and making decisions on planning applications.

6. Other statements of government policy may be material when preparing plans or deciding applications, such as relevant Written Ministerial Statements and endorsed recommendations of the National Infrastructure Commission.”

Michael Jenrick, then Secretary of State for Housing, Communities and Local Government, made a Written Statement 16th December 2020:

“There were many consultation responses which did not fully recognise that the standard method for assessing Local Housing Need does not present a ‘target’ in plan-making, but instead provides a starting point for determining the level of need for housing in an area. It is only after consideration of this, alongside what constraints areas face, such as the Green Belt, and the land that is actually available for development, that the decision on how many homes should be planned for is made.”

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

“Today’s update to the National Planning Policy Framework (NPPF)

It provides clearer protection for the Green Belt, clarity on how future housing supply should be assessed in plans and on the responsibility of urban authorities to play their full part in protecting the character of precious neighbourhoods.

The new NPPF will: facilitate flexibility for local authorities in relation to local housing need; clarify a local lock on any changes to Green Belt boundaries;

The new NPPF makes clear that the outcome of the standard method is an advisory starting point in plan making for establishing the housing requirements for an area.”

The above is supported by guidance in The House of Commons Library published on 27 August 2021 “Calculating housing need in the planning system (England)” which states in 2.4:

“A starting point, not a target? Land constraints and the standard method. The standard method is intended to be the starting point in determining how many homes an LPA can and should deliver, but is not a target. LPAs must also take account (for example) of land constraints, such as the Green Belt.”

<https://commonslibrary.parliament.uk/research-briefings/cbp-9268/>

This means that South Tyneside Council is able to determine its housing requirement and can take into account the restraint of the Green Belt.

2. Objection to development on the Green Belt, made specifically regarding Policies SP3: Spatial Strategy for Sustainable Development and SP7: Urban and Village Sustainable Growth Areas

These policies are not justified by the evidence and the case for exceptional circumstances to amend the Green Belt boundary has not been made.

The Local Plan must be revised to remove the proposed amendment to the Green Belt boundary to allocate additional land for housing and to withdraw all of the sites proposed for removal from the Green Belt: GA1-6 and SP8.

The Green Belt land allocation in the Local Plan is for 2,308 new homes but there is no justification for building on this precious resource. The Green Belt does not need to be built on and therefore the least harm to this resource is no further development at all on the Green Belt and exceptional circumstances have not been established. The Local Plan must be revised in order to meet the requirement to be sound on the basis of being justified, as an appropriate strategy, taking into account the reasonable alternatives and based on proportionate evidence; and on the basis of being consistent with national policy.

In the Local Plan, Policy SP3: Spatial Strategy for Sustainable Development proposes amending the Green Belt boundary to allocate additional land for housing and Policy SP7 Urban and Village Sustainable Growth Areas proposes the removal of sites from the Green Belt and allocation for housing development.

The Local Plan states in Policy SP3: Spatial Strategy for sustainable development:

“To meet the identified needs in Policy SP2 and to facilitate sustainable growth, the Plan will:

- 1. Support the sustainability of existing communities by focusing growth within the Main Urban Area including South Shields, Hebburn and Jarrow*
- 2. 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*
- 3. Encourage the re-use of suitable and viable brownfield land and, where appropriate, encourage higher development densities.*
- 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*
- 5. Create a new sustainable, community within the Fellgate Sustainable Growth Area (Policy SP8) by providing homes and community facilities.*
- 6. Prioritise the regeneration of South Shields Riverside, South Shields Town Centre, Fowler Street Improvement Area, and the Foreshore Improvement Area*
- 7. Prioritise economic development in designated Employment Areas, including the Port of Tyne, that are accessible by a range of transport modes and allocate additional land at Wardley Colliery*
- 8. Enhance and strengthen green infrastructure, ecological networks and Green Belt throughout South Tyneside and between neighbouring authorities.*

The National Planning Policy Framework (NPPF) states:

“140. Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period”

As demonstrated in Objection 1 above, there is no evidence that the housing requirement for the Plan period is at a level requiring development on the Green Belt. The strategic need has not been proven, for example there has been no cooperation with neighbouring local authorities which have Local Plans that intend to cumulatively build in excess of 19,000 houses above their respective ONS 2018 housing projections.

Sunderland Local Plan –	10,755 excess houses by 2033
Gateshead Local Plan –	6,337 excess houses by 2030
North Tyneside Local Plan -	2,238 excess houses by 2032

A planning appeal decision has confirmed the protected status of the Green Belt. This decision reiterates and reinforces the protection from inappropriate development given to the Green Belt in national planning policy.

Broke Hill golf course

In the Broke Hill case in Sevenoaks, Kent, the Inspector confirmed that, where planning policies protect areas of particular importance and provide a clear reason for refusing the development, the so-called “tilted balance” presumption in favour of granting planning permission does not apply.

For Broke Hill, the planning policies in this case related to protection of the Green Belt. This is especially important as Sevenoaks does not have the required five-year supply of housing land nor has it met the government’s housing delivery test for 2021. The inspector noted a number of benefits of the proposed development including provision of affordable housing. However, he concluded that notwithstanding the lack of five-year housing supply, the housing delivery test, and the benefits, this did not outweigh the harm that would be caused to the Green Belt, and were not sufficient to override national and local planning policies protecting the Green Belt. “The tilted balance is not invoked, however, because the Framework at Paragraph 11d(i) and footnote 7 protects both areas and assets of particular importance, which include the Green Belt, and provides a clear reason to dismiss the appeal.” Stephen Wilkinson, Inspector Planning Inspectorate decision Broke Hill golf course 31 January 2022

This case along with ministerial statements demonstrates that the Local Plan fails to be consistent with national planning policy to protect the Green Belt, as specified in paragraph 11 of the National Planning Policy Framework.

The Local Plan must be revised to remove the proposed amendment to the Green Belt boundary to allocate additional land for housing and to withdraw all of the sites proposed for removal from the Green Belt.

Furthermore, the Local Plan is not justified because the NPPF states:

“141. Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph, and whether the strategy:

a) makes as much use as possible of suitable brownfield sites and underutilised land;

b) optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum

density standards in town and city centres and other locations well served by public transport; and

c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.”

Regarding paragraph “a”, it has not been proven that all brownfield sites have been considered.

There are underutilised sites such as areas in South Shields town centre where previously developed land is used for car parking rather than housing like the area at the Mill Dam in South Shields, the former Staithes House and surrounding land near the town centre has been cleared for development for decades. The large office building at Harton Quay was leased by BT Group until last year but BT Group then closed its office and redeployed its 500 staff to other parts of the North East.

These are areas close to South Shields transport interchange and so would satisfy paragraph “b” the need to promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport.

The failure to rent out office space also drawn into question the planned 200,000 sq ft of office space in the adjacent Holborn development especially as the Utilitywise office building just down river had to be converted to flats after lying empty for a long period.

Planners overlooked possible brownfield sites across South Tyneside. Questions raised over validity of the reasons for rejection have not been answered. Some examples are the health clinic site near the ambulance station on Boldon Lane, the Pickwick pub in Biddick Hall, the former Methodist church on Bede Burn Road, the former Park Hotel on Lawe Road have not been included in the Local Plan.

Immediately after the Regulation 18 consultation in 2022, planning permission was given for 446 houses on the former Hawthorn Leslie shipyard that had lain redundant for several years. This was not included in the Regulation 18 Draft Plan. A similar situation exists at the former Rohm and Hass brownfield site near Jarrow town centre that would comply with 141 a) and b). This land if designated for industry could be released for housing as the land designated for employment in the Regulation 19 Local Plan is not justified by the evidence.

A further statement which is insufficient is paragraph 4.31, Sustainable Urban and Village Extensions:

“The Council has undertaken an extensive Green Belt review to identify land which would cause the least harm to the purposes of the Green Belt, that is considered suitable for development, and that could create a new defensible Green Belt boundary. Through this work, the Council has also established the exceptional circumstances to justify amending the Green Belt boundary at each location.

Following consultation on the Plan, the Council will undertake a Green Belt boundary review which will review the entire Green Belt boundary to ensure that it has a strong and defensible boundary as required by the NPPF.”

It has been shown that the Green Belt does not need to be built on and therefore the least harm to this resource is no further development at all on the Green Belt and exceptional circumstances have not been established.

Regarding paragraph “c”, there is no evidence that the aggregated housing assessments of the neighbouring authorities has been compared with the projected population levels of these authorities to show that there will be no overall supply. The simple statement in 4.28 in the Local Plan is insufficient:

“28. Prior to identifying land in the Green Belt the Council has, as part of Duty to Cooperate, discussed whether neighbouring authorities could accommodate additional housing. As set out in the Duty to Cooperate Statement, neighbouring authorities have confirmed that they would be unable to provide land to meet South Tyneside’s needs.”

The duty to cooperate has not been evidenced as required by guidance such as PAS – Doing your duty practice update [doing-your-duty-practice--1a3.pdf \(local.gov.uk\)](https://www.local.gov.uk/doing-your-duty-practice--1a3.pdf)

The recommendations in this have not been followed including number 10:

“10. Plans should reflect joint working and cooperation to address larger than local issues. In many cases, joint studies with other local planning authorities formed part of the evidence used to demonstrate compliance with the duty. Past cooperation put many local planning authorities in a strong position, particularly where this has resulted in the preparation of sub-regional strategies, joint studies or common methodologies on SHMA, Strategic Flood Risk Assessment, economic assessments, Green Infrastructure studies, landscape and renewables assessments, and transport studies.”

This failure is evident in the vast over provision of housing as previously shown and shared infrastructure for example the health and sewage systems between South Tyneside and Sunderland as well as employment at IAMP. This shows that the Plan is not sound.

3. Objection made regarding Sustainability Appraisal Report 2024 – Employment Land and policy SP14: Wardley Colliery

The Sustainability Appraisal Report 2024 notes that the Local Plan has increased the amount of land required for employment from the Draft Regulation 18 Local Plan. It notes that the level of employment growth underpinning this is high in the context of past trends.

This demonstrates that the Regulation 19 Draft Local Plan is not justified by the evidence base; the amount of land for employment allocated for employment is too high and more of this land needs to be utilised for housing development in existing urban areas. The removal from the Green Belt of the Wardley Colliery site in SP14 is not justified.

The Sustainability Appraisal Report states:

“Preferred Options

4.41 Within the Draft Local Plan 2019, the Council took forward the following preferred options for employment land: ■ General Employment Land – Option 2: Policy-on Scenario ■ Port and Marine Land – Option 3: Past Completions (net)

4.42 These options were selected because the Council considered them to have the most positive effects on SA objective 9 (encourage and support economic growth within South Tyneside) and SA objective 10 (increase opportunities for employment and education and improve living standards). The Council’s reasons for this were set out in the 2019 SA Report.

4.43 In the Draft Regulation 18 Local Plan (June 2022) the Council’s preferred scenario for employment land requirements over the Plan period was the Baseline Labour Demand Scenario. The reasons for this were set out in detail in the 2022 Employment Land Technical Paper, which explained that in choosing this scenario the Council was being cognisant of the constraints imposed by the Green Belt and the very high value placed on this resource by local communities.”

And

“4.45 In the Regulation 19 Draft Publication Plan, the Council’s preferred scenario for employment land requirements over the Plan period is the Policy-on Labour Demand Scenario. As explained in the 2023 Employment Land Technical Paper, the level of employment growth underpinning this scenario, which seeks to capture the impacts of IAMP on the general employment land market, is high in the context of past trends. The 2023 ELR advises that the IAMP proposals are expected to create significant employment opportunities in the wider supply chain. However, the ELR does caution that the ability to fully take advantage of these opportunities will depend on the ‘ability to offer good quality employment sites, with good access to the strategic road network and in close proximity to the IAMP’.”

The SAR also notes the negative impact of this preferred option for employment land:

“4.26 However, negative effects were recorded against a number of environmental objectives, reflecting the impact that a high economic growth could have upon the environment due to proximity existing designations, and increased impacts on natural resources, potential impacts on biodiversity and wildlife corridors. This level of growth is also likely to require land from the Green Belt to facilitate the growth aspirations; this objective therefore scored negatively against objective 4 (Green

Belt) and objective 5 (green infrastructure) due to the potential impacts on the Green Infrastructure corridor.”

The Sustainable Appraisal Non-Technical Summary states in the section assessing the Likely Effects of the Local Plan Options:

“Preferred Options

34. In the Draft Regulation 18 Local Plan (June 2022) the Council’s preferred scenario for employment land requirements over the Plan period was the Baseline Labour Demand Scenario. In choosing this scenario the Council had been cognisant of the constraints imposed by the Green Belt and the very high value placed on this resource by local communities. In the Regulation 19 Draft Publication Plan, the Council’s preferred scenario for employment land requirements over the Plan period is the Policy-on Labour Demand Scenario. As explained in the 2023 Employment Land Technical Paper, the level of employment growth underpinning this scenario, which seeks to capture the impacts of IAMP on the general employment land market, is high in the context of past trends. The 2023 ELR advises that the IAMP proposals are expected to create significant employment opportunities in the wider supply chain. However, the ELR does caution that the ability to fully take advantage of these opportunities will depend on the ‘ability to offer good quality employment sites, with good access to the strategic road network and in close proximity to the IAMP’.”

4. Objection made regarding Density Report 2024 and paragraph 8.24 of the Local Plan

The Local Plan is not justified by the evidence as set out in the Density Report 2024 of housing density achieved since the last housing density report in 2018. The Local Plan in paragraph 8.24 sets a lower average housing density than has been achieved which means it is not consistent with the NPPF.

The Density Report 2024 states:

“2.3 Paragraph 125 of the NPPF highlights the importance of avoiding homes being built at low densities, where there is an anticipated shortage of land for meeting identified housing needs. Planning policies should avoid homes being built at low densities and ensure optimal use of land by using minimum density standards. These standards aim to uplift the average density of residential development and the use of these standards should be used in other parts of the plan area. Minimum density standards should also be used in a way which ensures that applications which fail to make efficient use of land be refused.”

It states in the Summary

“4.1 Following the four assessments several conclusions can be drawn with regards to density patterns throughout South Tyneside. Since the previous Density study in 2018:

- *The average density of sites assessed was 66 dwellings per hectare based on net site area. This is an increase of 16 dwellings per hectare since the previous study.*
- *The assessments showed that density declined as site area increased and that sites less than 1 hectare had a density significantly higher than those over 1 hectare. Sites less than 1 hectare had an average density of 82 dwellings per hectare. Sites over 1 hectare had a density of 40 dwellings per hectare.*
- *In general sites with a higher yield had typically lower densities. Sites with less than 50 dwellings had an average density of 50 dwellings per hectare whereas sites with more than 250 dwellings had an average density of 28 dwellings per hectare.*
- *Sites in the urban area of South Shields had the highest densities with an average of 72 dwellings per hectare. This is likely due to the nature of the area and the large proportion of smaller sites.*
- *Compared to the standard density buffers in Policy SC3 of the adopted LDF and the Strategic Housing Land Availability Assessment higher densities were achieved across all three categories. “*

However, the Recommendations for Housing Density which have been utilised by the Regulation 19 Draft Local Plan are lower than the densities which have been achieved. The Density Report states:

“6.1 Housing yield must ultimately be determined by design. However, for the purposes of estimating housing yield as part of the Strategic Housing Land Availability Assessment and Local Plan site selection process the following density calculations are recommended:

- *Average 60 dwellings per hectare on sites within 400m in the Jarrow and Inner South Shields character areas (higher densities may also be appropriate on a site by site basis e.g. by the riverside on sites such as Holborn and Hawthorn Leslie);*
- *Average 55 dwellings per hectare on sites within 400m in the rest of the borough;*
- *Average 45 dwellings per hectare on sites between 400m – 800m in the rest of the borough; and*
- *Average 35 dwellings per hectare on sites beyond 800m in the rest of the borough.*

6.2 These densities will be used to estimate site capacities in the Strategic Housing Land Availability Assessment where other information (e.g. planning applications, information from developers etc.) is not available. Should this information be available it will be used.”

The Density Report 2024 also underestimates the housing densities which have been achieved because two very large urban brownfield sites have been excluded from the assessment:

“3.2 Whilst permission was given to 26 sites during this period only 24 sites will be used in this study. The sites at Leslie Hawthorn and Holborn have been omitted from this study as due to the nature of those sites they present an anomaly in the

densities. These sites have a much higher density as to be viable sites for the developers more dwellings on site were required. These sites have a much higher proportion of flats and apartments than others of this size and location. Therefore, to be able to analyse patterns and trends in the data these 2 sites have been treated as anomalies.”

If these two sites were included in the assessment, the average density achieved would be higher and the discrepancy between this and the recommendations for average density for the Local Plan would be even greater.

5. Objection made specifically regarding Policy 18: Affordable Housing, Policy 19: Housing Mix and Policy 20: Technical Design Standards for New Homes

The Local Plan is not justified and is not consistent with the NPPF in terms of meeting the housing needs identified in the Strategic Housing Market Assessment (SHMA) 2023.

In the section on Housing Allocations the Local Plan states:

“5.4 When allocating sites to meet the housing requirement, the Plan has looked to ensure the right homes are delivered in the right places, taking into account need, demand, deliverability, sustainability and improving choice.”

The SHMA 2023 has identified an annual need for 361 affordable homes each year across the borough which justifies the need for a robust affordable housing policy which will provide mechanisms to help meet this affordable need. Yet the same document states in the Executive Summary:

“It is recommended that the current target for 75% market and 25% affordable is maintained.” And in Paragraph 7.10 states: *“The SHMA would suggest that an overall target of 25% affordable housing should continue to be applied. This will be subject to viability testing before a target can be established for affordable housing in the emerging Local Plan.”*

The proposed proportion of affordable homes in Cleadon and East Boldon is 30%, but as median house prices in this area are £225,000 the accepted definition of affordable being 80% of market value means they will still be unaffordable to the very people requiring this provision.

The NPPF states *“62. Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).”*

Particular needs identified in the SHMA 2023 are:

- *“Increasing and diversifying the supply of specialist housing for older people. There is a need for 3,060 more units of accommodation for older people by 2040 comprising 1,803 C3 units, 885 C2 Extra Care units and 372 C2 Residential care units*
- *Based on an assessment of additional needs and longer-term demographics, a minimum of 5% of new dwellings should be built to M4(3) wheelchair accessible standard; and all other new dwellings should be built to M4(2) accessible and adaptable standard.”*

However the Local Plan fails to implement these recommendations in full as Policy 20: Technical Design Standards for New Homes states:

*“1. To meet the needs of older people and people with disabilities, a minimum of 5% of new build housing in developments of 50 homes or more shall be built to Building Regulations Requirement M4(3) (wheelchair user dwellings).
2. All residential dwellings shall be designed to be built to meet Building Regulations Requirement M4(2): (Accessible and adaptable dwellings) except where it can be demonstrated that this is impractical or unviable due to site specific constraints.”*

Policy 20 introduces a condition that this target for wheelchair user dwellings (ie Building Regulations Requirement M4(3)) will only apply in housing developments of 50 homes or more. This means that the Local Plan is not justified by the evidence of the need for these type of homes.

6. Support for Policy 16: Houses in Multiple Occupation

We welcome Policy 16 Houses in Multiple Occupation (HMO) as this is justified by the evidence of clustering of HMOs in particular areas of the borough and the need for further measures in paragraph 2 of the policy for the Lawe Top Article 4 Direction area.

7. Objection made specifically regarding Policy 1 Promoting Healthy Communities and Policy 2 Air Quality; and SP5: Former Brinkburn Comprehensive School and SP6: Former Chuter Ede Education Centre

The Local Plan is not justified because these policies will not ensure the Strategic Objectives for Promoting Healthy Communities will be achieved; and these policies are not consistent with national policy.

The Local Plan proposes the development of several vital community open spaces, for example the playing field land at Chuter Ede and Brinkburn School, despite stating in Policy 1:

“The Council and its partners, including the NHS, will seek to improve the health, wellbeing and quality of life of South Tyneside residents, reduce health inequalities, and to help people live longer and healthier lives. This will be achieved by:

1. Supporting new development which: i. Increases opportunities for physical activity and active travel through the provision of good quality sport and recreation facilities and safe and accessible walking, cycling and public transport networks.”

and

“iii. Enhances the green and blue infrastructure network and supports climate change mitigation and adaptation.”

These community open spaces must be protected and removed from the Local Plan as sites for development. The importance of these community open spaces is recognised in NPPF paragraph 98, 20-23, 26 and 92.

Building on playing fields for example at Chuter Ede has the exact opposite effect to the objective, increasing the local population while removing green space playing fields that are used for exercise.

There is little in the Local Plan that would fulfil the Strategic Objectives for Promoting Healthy Communities. In fact, some parts of the plan make the situation worse including the proposed development in areas that will promote car use such as in Cleadon, East Boldon and Whitburn. These developments will typically have two cars per household, adding potentially thousands of car journeys on an already congested road system. This will have a detrimental effect road safety and on the local environment due to noise and exhaust emissions. Some areas have air pollution levels already in excess of the World Health Organisation recommended maximums. These vehicle journeys will only make this more dangerous as there are no safe levels for these pollutants.

The Local Plan states in paragraph 6.14: *“The importance of good air quality is recognised by the World Health Organisation which produced a series of standards that have been adopted by the European Commission and subsequently the UK”.*

A Local Authority recognising this will be aware that the World Health Organisation (WHO) air quality standards were revised in 2021 and the recommended pollutant levels, to be achieved, were revised down by a considerable amount. NOTE: These are not safe levels as scientists do not consider any amount to be safe. It is inconceivable that the UK national standards will not be reduced to reflect these changes.

In the Local Plan, Policy 2: Air Quality states *“2. Where significant air quality impacts are likely to be generated by the development, an appropriate air quality assessment will be required”.* Due to the changes in WHO levels it is reasonable to predict large areas of the Borough will exceed these and the proposed developments in Policy SP7: Urban and Village Sustainable Growth Areas in particular will result in unsafe air pollution.

The council has a duty as far as reasonably practicable to ensure the health and safety of its residents. Given the above, the Local Plan must be revised to take into consideration the results of the proposed developments on air quality and specified measures that would reduce pollution levels to the minimum possible.

NPPF states in 186: “Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications.”

The Local Plan has failed to identify these opportunities adequately and therefore is not consistent with the NPPF and this demonstrates that the Local Plan is not sound.

NPPF states: “31. The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned...”

The revised WHO air pollution levels are relevant and up-to-date and should be a material consideration.

8. Objection made specifically regarding Section 7: Meeting the Challenge of Climate Change, Flooding and Coastal Change

The Local Plan is not sound because it is not compliant with the Climate Change Act 2008 and Planning and Compulsory Purchase Act 2004 (as amended) duties or consistent with NPPF guidance – carbon accounting and climate mitigation.

The increased carbon emissions from the development proposed in the Local Plan will add to South Tyneside’s carbon footprint and add to the climate change emergency.

National legislation and guidance strongly stress the central role of the planning system in securing radical reductions in greenhouse gas emissions and require Local Plans to:

The policies should aim to secure radical carbon reductions in line with a trajectory for the authority area that is consistent with the UK achieving full carbon neutrality by 2050, and in the short term should test the policy options available to achieve the highest level of ambition possible to meet this goal.

As far as possible, all new development should be zero carbon given that the country's net zero target must be met in the next 30 years. A good example from another area is Reading Council: *"The council's 2019 Local Plan requires that all new residential developments of ten or more homes are built to zero carbon standards if possible."* Zero carbon is an achievable standard.

Adoption of this strategy aligns with the councils own stated aims of the Economic Recovery Plan 2020 to *Catalyse green and sustainable growth by maximising the potential of our low-carbon and digital assets and expertise.*

With regards to Policy 15 much is to be welcomed. 15.1 states *Improve the condition of existing homes by enhancing energy efficiency and reducing carbon emissions in existing buildings* And 15.4 *Facilitate improvements to properties that have traditionally suffered from poor management and under-investment*

However, currently demolition is placed far too highly as an option for the current housing stock. Refitting and retrofitting is by far the less carbon intensive approach so demolition must be de-prioritised.

The Local Plan must be revised in order to bring it into compliance with legislative and policy requirements around climate change and the councils stated ambitions.

9. Objection made specifically regarding Policy 6: Renewables and Low Carbon Energy Generation

The Local Plan is not sound because this policy is not consistent with national policy.

NPPF 156 states: *"Local planning authorities should support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning."*

We welcome Policy 6 paragraph 2 supporting the inclusion of renewable energy into developments, but the text is not strong enough, and once again, will not change business as usual development approaches. A requirement to include and maximise on-site renewable energy generation needs to be folded into an overall green house gas emissions policy, as seen in the London Plan, policy S12¹.

We welcome Policy 6 paragraph 4, the inclusion of policies requiring development to connect to district heating networks, however this policy needs to be made significantly stronger. The best example of which we are aware is draft policy SI13 of the draft London Plan. As the whole of South Tyneside is located over disused mine-

¹ London Plan – policy S12 - www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/draft-new-london-plan/chapter-9-sustainable-infrastructure/policy-si2-minimising#r-SI2

workings more heating schemes like the “Hebburn Minewater Project” should be invested in for housing schemes.

10. Objection made specifically regarding Policy 10 Disposal of Foul Water and Policy 11 Protecting Water Quality

The Local Plan is not justified because these policies are not able to ensure the Objectives for Protecting Water Quality will be achieved; and is not consistent with national policy.

The Local Plan does not refer to the current significant level of sewage pollution in South Tyneside. Population levels have increased considerably in the UK since Victorian times yet we are still using combined sewers that were constructed in the 19th century. If more housing development is permitted, especially on green spaces, more pressure will be exerted on an already failing sewage system. However, in the consultation on the Draft Local Plan, South Tyneside Council confirmed that no extra sewage will be added to the existing infrastructure on the recommendations of Northumbrian Water who have assured them the existing system will cope.

NPPF states “*20. Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for: ...
b) infrastructure for ...wastewater*”

NPPF states: “*185. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.*”

The Environmental Permitting Regulations 2016 Permits to discharge untreated sewage from Combined Sewer Overflows into watercourses during heavy rainfall are issued to water companies and regulated by the Environment Agency. There is growing evidence to show that these permits are being abused. Sewage is regularly discharged into South Tyneside watercourses in moderate rainfall. This is due to a lack of capacity at the sewage treatment works caused by a lack of investment and contravenes environmental law.

The Environment Agency (EA) has been required to install Event Duration Monitors (EDMs) in all Combined Sewer Overflows (CSOs). These record the number of discharges and the duration of the discharges. The Whitburn system remains in

breach of environmental law as of March 2021, but the EA want to wait 10 years to 'assess' the system.

The data supplied by the authorities needs to be treated with caution. In March 2020 the EA issued an apology after their published sewage discharge records for Whitburn for 2019 were challenged. They were forced to increase the volume of CSO discharges for Whitburn by 10% from 683,676 cubic metres to 760,993.5 cubic metres. In March 2021 Northumbrian Water issued an apology after their published untreated sewage discharge records for Hendon Sewage treatment works for 2019 were challenged. They were forced to increase their published hours of untreated discharges in 2019 from Hendon Sewage Treatment works by 4,000% from 15 hours 52 mins to 646 hours.

Sewage pollution is a contributor to climate change. Seagrasses can absorb more carbon up to 40 times faster than terrestrial forests and these ecosystems become sources of CO2 emissions when they are degraded or destroyed. A major driver of seagrass decline is nutrient pollution from sewage. A study has shown that 90% of the seagrass meadows in the UK have been lost to pollution. Locally, the seagrass meadows in the River Tyne estuary have been devastated by sewage flowing from nearby Combined Sewer Overflows.

Sewage pollution causes harm to public health. Recent epidemiological studies show a close relationship between contact with polluted waters and the incidence of gastro-intestinal, eye, ear, nose and throat infections or irritations and respiratory symptoms. This is a recognised problem for surfers, kite surfers, windsurfers, sailors, kayakers and wild swimmers. Even the dog walkers, joggers and walkers who all enjoy the access to South Tyneside's riverside and beaches throughout the year are at risk from sewage pollution.

Public Health is a material planning consideration. Local authorities have important and wide-ranging public health functions, for example under the Public Health (Control of Disease) Act 1984. This legislation adopts an 'all-hazards' approach and provides South Tyneside Council with the necessary powers to control human health risks arising from infection or contamination of any form including chemicals and radiation. Statutory duties for public health were conferred on local authorities by the Health and Social Care Act 2012. Local authorities (and directors of public health acting on their behalf) now have a critical role in protecting the health of their population, both in terms of helping to prevent threats arising and in ensuring appropriate responses when things do go wrong.

Health considerations are capable of being material planning considerations. This is recognised in the NPPF which includes the following statement at paragraph 92: *"Planning policies and decisions should aim to achieve healthy, inclusive and safe places."*

The health implications of exposure to the levels of sewage pollution regularly discharged into the River Tyne and on to the beaches of South Tyneside must be a material planning consideration with respect to future developments as, without an improvement in sewage treatment capacity, more development will bring about an inevitable increase in sewage pollution.

Response drafted by South Tyneside Green Party February 2024

Response ID BHLF-RUCU-JV2A-J

Submitted to Sustainability Appraisal 2024

Submitted on 2024-04-23 14:31:35

Have your say

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

Section of the SA:

Employment land

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

Comments:

3. Objection made regarding Sustainability Appraisal Report 2024 – Employment Land and policy SP14: Wardley Colliery

The Sustainability Appraisal Report 2024 notes that the Local Plan has increased the amount of land required for employment from the Draft Regulation 18 Local Plan. It notes that the level of employment growth underpinning this is high in the context of past trends.

This demonstrates that the Regulation 19 Draft Local Plan is not justified by the evidence base; the amount of land for employment allocated for employment is too high and more of this land needs to be utilised for housing development in existing urban areas. The removal from the Green Belt of the Wardley Colliery site in SP14 is not justified.

The Sustainability Appraisal Report states:

“Preferred Options

4.41 Within the Draft Local Plan 2019, the Council took forward the following preferred options for employment land: □ General Employment Land – Option 2: Policy-on Scenario □ Port and Marine Land – Option 3: Past Completions (net)

4.42 These options were selected because the Council considered them to have the most positive effects on SA objective 9 (encourage and support economic growth within South Tyneside) and SA objective 10 (increase opportunities for employment and education and improve living standards). The Council's reasons for this were set out in the 2019 SA Report.

4.43 In the Draft Regulation 18 Local Plan (June 2022) the Council's preferred scenario for employment land requirements over the Plan period was the Baseline Labour Demand Scenario. The reasons for this were set out in detail in the 2022 Employment Land Technical Paper, which explained that in choosing this scenario the Council was being cognisant of the constraints imposed by the Green Belt and the very high value placed on this resource by local communities.”

And

“4.45 In the Regulation 19 Draft Publication Plan, the Council's preferred scenario for employment land requirements over the Plan period is the Policy-on Labour Demand Scenario. As explained in the 2023 Employment Land Technical Paper, the level of employment growth underpinning this scenario, which seeks to capture the impacts of IAMP on the general employment land market, is high in the context of past trends. The 2023 ELR advises that the IAMP proposals are expected to create significant employment opportunities in the wider supply chain. However, the ELR does caution that the ability to fully take advantage of these opportunities will depend on the 'ability to offer good quality employment sites, with good access to the strategic road network and in close proximity to the IAMP'.”

The SAR also notes the negative impact of this preferred option for employment land:

“4.26 However, negative effects were recorded against a number of environmental objectives, reflecting the impact that a high economic growth could have upon the environment due to proximity existing designations, and increased impacts on natural resources, potential impacts on biodiversity and wildlife corridors. This level of growth is also likely to require land from the Green Belt to facilitate the growth aspirations; this objective therefore scored negatively against objective 4 (Green Belt) and objective 5 (green infrastructure) due to the potential impacts on the Green Infrastructure corridor.”

The Sustainable Appraisal Non-Technical Summary states in the section assessing the Likely Effects of the Local Plan Options:

“Preferred Options

34. In the Draft Regulation 18 Local Plan (June 2022) the Council's preferred scenario for employment land requirements over the Plan period was the Baseline Labour Demand Scenario. In choosing this scenario the Council had been cognisant of the constraints imposed by the Green Belt and the very high value placed on this resource by local communities. In the Regulation 19 Draft Publication Plan, the Council's preferred scenario for employment land requirements over the Plan period is the Policy-on Labour Demand Scenario. As explained in the 2023 Employment Land Technical Paper, the level of employment growth underpinning this scenario, which seeks to capture the impacts of IAMP on the general employment land market, is high in the context of past trends. The 2023 ELR advises that the IAMP proposals are expected to create significant employment opportunities in the wider supply chain. However, the ELR does caution that the ability to fully take advantage of these opportunities will depend on the 'ability to offer good quality employment sites, with good access to the strategic road network and in close proximity to the IAMP'.”

3 What is your name?

Name:

Hillary, Mammed and Alex Bagher

4 What is your email address?

Email:

5 Who are you responding as?

Resident or Member of the General Public


Organisation:

6 What is your postal address?

Address:




Objection to the Local Plan

From Ann West 

Date Sat 3/2/2024 8:04 PM

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

 1 attachments (182 KB)

South-Tyneside-Green-Party-Response-to-Local-Plan-2024.pdf;

<div style="color: black; background-color: #ffff99; background-clip: padding-box; border: 2px solid black; margin: 5px; padding: 5px; font-family: Arial; font-size: 11pt;">*** WARNING - This message has originated from outside the Council. Do not provide any login or password details if requested. Do not click on any links or attachments unless you are sure that the content is safe. If you are unsure about this email or its content forward it to: email.quarantine@southtyneside.gov.uk, clearly stating your concerns in the email </div>
We the below wish to submit an objection to the Local Plan as it stands and as detailed by the attached Green Party objections, which we agree with and heartedly support.

As residents of Cleadon we are already experiencing problems related to a shortfall in the provision of infrastructure such as congested roads, lack of health services, fully subscribed schools, sewage overspill/inadequate sewage works and seasonal flooding.

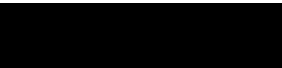
The 204 houses that are to be built on the brownfield/industrial site on Cleadon Lane will stretch these services further without adding the additional proposed housing on the Green Belt.

After attending one of the South Tyneside Council planning proposal meetings it appears the only reason the Council want to release these Green Field sites, is the revenue they will receive, but with no guarantee that the developers will provide the necessary infrastructure to support this increase in housing and local population.

Very little consideration has been placed on the benefits to us all of having green areas to promote wellbeing both from an aesthetic element and the ability to get out into nature for activities such as walking and cycling without having the worries of increased traffic and noise.

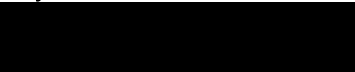
Yours sincerely


Jennie and Ann West


Nicola, David and Megan West


Bev, Jon and Robyn Olds


Joyce and Bill Hills


Hilary, Mammed and Alex Bagher





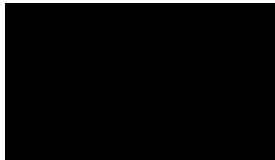
Joanne, Christopher, Jack and Harry West



Andrew Davison



Lauren and Nicholas Bagher



South Tyneside Green Party Response to South Tyneside Regulation 19 Draft Local Plan 2024

1. Objection made specifically regarding Policy SP2: Strategy for Sustainable Development

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

This policy must be revised to decrease the number of homes being planned for, in order to meet the requirement to be sound on the basis of being positively prepared, so that it meets the area's objectively assessed needs and is consistent with achieving sustainable development.

In SP2 paragraph 4.9 of the Local Plan it states:

"4.9 To determine the minimum number of homes needed, a local housing need assessment has been conducted using the standard method detailed in the national planning guidance. The standard method uses a formula to identify the minimum number of homes expected to be planned for in a way which addresses projected household growth and any historic under-supply. Using this approach the local housing needs assessment has concluded that for the plan period (1st April 2023 to 31st March 2040) 309 dwellings are required every year. This produces an overall minimum housing requirement of 5,253 new homes over the Plan period. The household projections that inform the housing baseline are the 2014-based household projections. This figure could change upwards or downwards based on new data. South Tyneside's housing requirement will not be 'locked in' until the Plan is submitted to the independent Planning Inspectorate."

The Local Plan is based on inaccurate population projections. Census data show a consistently falling population in South Tyneside, from 157,200 in 1991, to 152,785 in 2001, to 148,127 in 2011, to 147,800 in 2021. Yet the Local Plan assumes a population of 151,936 for 2021, an overestimate of 4,136, and that it would continue to increase over the next 20 years.

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

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

The East Boldon Neighbourhood Forum received the following statement from the Department for Levelling Up, Housing & Communities, written by Alan C Scott, Planning policy adviser on behalf of the Secretary of State:

“In 2018 the Framework introduced a standard method for calculating local housing need to make the process simple, quick and transparent. “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”.

The NPPF paragraph 5 and 6 states:

“5. National policy statements form part of the overall framework of national planning policy, and may be a material consideration in preparing plans and making decisions on planning applications.

6. Other statements of government policy may be material when preparing plans or deciding applications, such as relevant Written Ministerial Statements and endorsed recommendations of the National Infrastructure Commission.”

Michael Jenrick, then Secretary of State for Housing, Communities and Local Government, made a Written Statement 16th December 2020:

“There were many consultation responses which did not fully recognise that the standard method for assessing Local Housing Need does not present a ‘target’ in plan-making, but instead provides a starting point for determining the level of need for housing in an area. It is only after consideration of this, alongside what constraints areas face, such as the Green Belt, and the land that is actually available for development, that the decision on how many homes should be planned for is made.”

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

“Today’s update to the National Planning Policy Framework (NPPF)

It provides clearer protection for the Green Belt, clarity on how future housing supply should be assessed in plans and on the responsibility of urban authorities to play their full part in protecting the character of precious neighbourhoods.

The new NPPF will: facilitate flexibility for local authorities in relation to local housing need; clarify a local lock on any changes to Green Belt boundaries;

The new NPPF makes clear that the outcome of the standard method is an advisory starting point in plan making for establishing the housing requirements for an area.”

The above is supported by guidance in The House of Commons Library published on 27 August 2021 “Calculating housing need in the planning system (England)” which states in 2.4:

“A starting point, not a target? Land constraints and the standard method. The standard method is intended to be the starting point in determining how many homes an LPA can and should deliver, but is not a target. LPAs must also take account (for example) of land constraints, such as the Green Belt.”

<https://commonslibrary.parliament.uk/research-briefings/cbp-9268/>

This means that South Tyneside Council is able to determine its housing requirement and can take into account the restraint of the Green Belt.

2. Objection to development on the Green Belt, made specifically regarding Policies SP3: Spatial Strategy for Sustainable Development and SP7: Urban and Village Sustainable Growth Areas

These policies are not justified by the evidence and the case for exceptional circumstances to amend the Green Belt boundary has not been made.

The Local Plan must be revised to remove the proposed amendment to the Green Belt boundary to allocate additional land for housing and to withdraw all of the sites proposed for removal from the Green Belt: GA1-6 and SP8.

The Green Belt land allocation in the Local Plan is for 2,308 new homes but there is no justification for building on this precious resource. The Green Belt does not need to be built on and therefore the least harm to this resource is no further development at all on the Green Belt and exceptional circumstances have not been established. The Local Plan must be revised in order to meet the requirement to be sound on the basis of being justified, as an appropriate strategy, taking into account the reasonable alternatives and based on proportionate evidence; and on the basis of being consistent with national policy.

In the Local Plan, Policy SP3: Spatial Strategy for Sustainable Development proposes amending the Green Belt boundary to allocate additional land for housing and Policy SP7 Urban and Village Sustainable Growth Areas proposes the removal of sites from the Green Belt and allocation for housing development.

The Local Plan states in Policy SP3: Spatial Strategy for sustainable development:

“To meet the identified needs in Policy SP2 and to facilitate sustainable growth, the Plan will:

- 1. Support the sustainability of existing communities by focusing growth within the Main Urban Area including South Shields, Hebburn and Jarrow*
- 2. 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*
- 3. Encourage the re-use of suitable and viable brownfield land and, where appropriate, encourage higher development densities.*
- 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*
- 5. Create a new sustainable, community within the Fellgate Sustainable Growth Area (Policy SP8) by providing homes and community facilities.*
- 6. Prioritise the regeneration of South Shields Riverside, South Shields Town Centre, Fowler Street Improvement Area, and the Foreshore Improvement Area*
- 7. Prioritise economic development in designated Employment Areas, including the Port of Tyne, that are accessible by a range of transport modes and allocate additional land at Wardley Colliery*
- 8. Enhance and strengthen green infrastructure, ecological networks and Green Belt throughout South Tyneside and between neighbouring authorities.*

The National Planning Policy Framework (NPPF) states:

“140. Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period”

As demonstrated in Objection 1 above, there is no evidence that the housing requirement for the Plan period is at a level requiring development on the Green Belt. The strategic need has not been proven, for example there has been no cooperation with neighbouring local authorities which have Local Plans that intend to cumulatively build in excess of 19,000 houses above their respective ONS 2018 housing projections.

Sunderland Local Plan –	10,755 excess houses by 2033
Gateshead Local Plan –	6,337 excess houses by 2030
North Tyneside Local Plan -	2,238 excess houses by 2032

A planning appeal decision has confirmed the protected status of the Green Belt. This decision reiterates and reinforces the protection from inappropriate development given to the Green Belt in national planning policy.

Broke Hill golf course

In the Broke Hill case in Sevenoaks, Kent, the Inspector confirmed that, where planning policies protect areas of particular importance and provide a clear reason for refusing the development, the so-called “tilted balance” presumption in favour of granting planning permission does not apply.

For Broke Hill, the planning policies in this case related to protection of the Green Belt. This is especially important as Sevenoaks does not have the required five-year supply of housing land nor has it met the government’s housing delivery test for 2021. The inspector noted a number of benefits of the proposed development including provision of affordable housing. However, he concluded that notwithstanding the lack of five-year housing supply, the housing delivery test, and the benefits, this did not outweigh the harm that would be caused to the Green Belt, and were not sufficient to override national and local planning policies protecting the Green Belt. “The tilted balance is not invoked, however, because the Framework at Paragraph 11d(i) and footnote 7 protects both areas and assets of particular importance, which include the Green Belt, and provides a clear reason to dismiss the appeal.” Stephen Wilkinson, Inspector Planning Inspectorate decision Broke Hill golf course 31 January 2022

This case along with ministerial statements demonstrates that the Local Plan fails to be consistent with national planning policy to protect the Green Belt, as specified in paragraph 11 of the National Planning Policy Framework.

The Local Plan must be revised to remove the proposed amendment to the Green Belt boundary to allocate additional land for housing and to withdraw all of the sites proposed for removal from the Green Belt.

Furthermore, the Local Plan is not justified because the NPPF states:

“141. Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph, and whether the strategy:

a) makes as much use as possible of suitable brownfield sites and underutilised land;

b) optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum

density standards in town and city centres and other locations well served by public transport; and

c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.”

Regarding paragraph “a”, it has not been proven that all brownfield sites have been considered.

There are underutilised sites such as areas in South Shields town centre where previously developed land is used for car parking rather than housing like the area at the Mill Dam in South Shields, the former Staithes House and surrounding land near the town centre has been cleared for development for decades. The large office building at Harton Quay was leased by BT Group until last year but BT Group then closed its office and redeployed its 500 staff to other parts of the North East.

These are areas close to South Shields transport interchange and so would satisfy paragraph “b” the need to promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport.

The failure to rent out office space also drawn into question the planned 200,000 sq ft of office space in the adjacent Holborn development especially as the Utilitywise office building just down river had to be converted to flats after lying empty for a long period.

Planners overlooked possible brownfield sites across South Tyneside. Questions raised over validity of the reasons for rejection have not been answered. Some examples are the health clinic site near the ambulance station on Boldon Lane, the Pickwick pub in Biddick Hall, the former Methodist church on Bede Burn Road, the former Park Hotel on Lawe Road have not been included in the Local Plan.

Immediately after the Regulation 18 consultation in 2022, planning permission was given for 446 houses on the former Hawthorn Leslie shipyard that had lain redundant for several years. This was not included in the Regulation 18 Draft Plan. A similar situation exists at the former Rohm and Hass brownfield site near Jarrow town centre that would comply with 141 a) and b). This land if designated for industry could be released for housing as the land designated for employment in the Regulation 19 Local Plan is not justified by the evidence.

A further statement which is insufficient is paragraph 4.31, Sustainable Urban and Village Extensions:

“The Council has undertaken an extensive Green Belt review to identify land which would cause the least harm to the purposes of the Green Belt, that is considered suitable for development, and that could create a new defensible Green Belt boundary. Through this work, the Council has also established the exceptional circumstances to justify amending the Green Belt boundary at each location.

Following consultation on the Plan, the Council will undertake a Green Belt boundary review which will review the entire Green Belt boundary to ensure that it has a strong and defensible boundary as required by the NPPF.”

It has been shown that the Green Belt does not need to be built on and therefore the least harm to this resource is no further development at all on the Green Belt and exceptional circumstances have not been established.

Regarding paragraph “c”, there is no evidence that the aggregated housing assessments of the neighbouring authorities has been compared with the projected population levels of these authorities to show that there will be no overall supply. The simple statement in 4.28 in the Local Plan is insufficient:

“28. Prior to identifying land in the Green Belt the Council has, as part of Duty to Cooperate, discussed whether neighbouring authorities could accommodate additional housing. As set out in the Duty to Cooperate Statement, neighbouring authorities have confirmed that they would be unable to provide land to meet South Tyneside’s needs.”

The duty to cooperate has not been evidenced as required by guidance such as PAS – Doing your duty practice update [doing-your-duty-practice--1a3.pdf \(local.gov.uk\)](https://www.local.gov.uk/doing-your-duty-practice--1a3.pdf)

The recommendations in this have not been followed including number 10:

“10. Plans should reflect joint working and cooperation to address larger than local issues. In many cases, joint studies with other local planning authorities formed part of the evidence used to demonstrate compliance with the duty. Past cooperation put many local planning authorities in a strong position, particularly where this has resulted in the preparation of sub-regional strategies, joint studies or common methodologies on SHMA, Strategic Flood Risk Assessment, economic assessments, Green Infrastructure studies, landscape and renewables assessments, and transport studies.”

This failure is evident in the vast over provision of housing as previously shown and shared infrastructure for example the health and sewage systems between South Tyneside and Sunderland as well as employment at IAMP. This shows that the Plan is not sound.

3. Objection made regarding Sustainability Appraisal Report 2024 – Employment Land and policy SP14: Wardley Colliery

The Sustainability Appraisal Report 2024 notes that the Local Plan has increased the amount of land required for employment from the Draft Regulation 18 Local Plan. It notes that the level of employment growth underpinning this is high in the context of past trends.

This demonstrates that the Regulation 19 Draft Local Plan is not justified by the evidence base; the amount of land for employment allocated for employment is too high and more of this land needs to be utilised for housing development in existing urban areas. The removal from the Green Belt of the Wardley Colliery site in SP14 is not justified.

The Sustainability Appraisal Report states:

“Preferred Options

4.41 Within the Draft Local Plan 2019, the Council took forward the following preferred options for employment land: ■ General Employment Land – Option 2: Policy-on Scenario ■ Port and Marine Land – Option 3: Past Completions (net)

4.42 These options were selected because the Council considered them to have the most positive effects on SA objective 9 (encourage and support economic growth within South Tyneside) and SA objective 10 (increase opportunities for employment and education and improve living standards). The Council’s reasons for this were set out in the 2019 SA Report.

4.43 In the Draft Regulation 18 Local Plan (June 2022) the Council’s preferred scenario for employment land requirements over the Plan period was the Baseline Labour Demand Scenario. The reasons for this were set out in detail in the 2022 Employment Land Technical Paper, which explained that in choosing this scenario the Council was being cognisant of the constraints imposed by the Green Belt and the very high value placed on this resource by local communities.”

And

“4.45 In the Regulation 19 Draft Publication Plan, the Council’s preferred scenario for employment land requirements over the Plan period is the Policy-on Labour Demand Scenario. As explained in the 2023 Employment Land Technical Paper, the level of employment growth underpinning this scenario, which seeks to capture the impacts of IAMP on the general employment land market, is high in the context of past trends. The 2023 ELR advises that the IAMP proposals are expected to create significant employment opportunities in the wider supply chain. However, the ELR does caution that the ability to fully take advantage of these opportunities will depend on the ‘ability to offer good quality employment sites, with good access to the strategic road network and in close proximity to the IAMP’.”

The SAR also notes the negative impact of this preferred option for employment land:

“4.26 However, negative effects were recorded against a number of environmental objectives, reflecting the impact that a high economic growth could have upon the environment due to proximity existing designations, and increased impacts on natural resources, potential impacts on biodiversity and wildlife corridors. This level of growth is also likely to require land from the Green Belt to facilitate the growth aspirations; this objective therefore scored negatively against objective 4 (Green

Belt) and objective 5 (green infrastructure) due to the potential impacts on the Green Infrastructure corridor.”

The Sustainable Appraisal Non-Technical Summary states in the section assessing the Likely Effects of the Local Plan Options:

“Preferred Options

34. In the Draft Regulation 18 Local Plan (June 2022) the Council’s preferred scenario for employment land requirements over the Plan period was the Baseline Labour Demand Scenario. In choosing this scenario the Council had been cognisant of the constraints imposed by the Green Belt and the very high value placed on this resource by local communities. In the Regulation 19 Draft Publication Plan, the Council’s preferred scenario for employment land requirements over the Plan period is the Policy-on Labour Demand Scenario. As explained in the 2023 Employment Land Technical Paper, the level of employment growth underpinning this scenario, which seeks to capture the impacts of IAMP on the general employment land market, is high in the context of past trends. The 2023 ELR advises that the IAMP proposals are expected to create significant employment opportunities in the wider supply chain. However, the ELR does caution that the ability to fully take advantage of these opportunities will depend on the ‘ability to offer good quality employment sites, with good access to the strategic road network and in close proximity to the IAMP’.”

4. Objection made regarding Density Report 2024 and paragraph 8.24 of the Local Plan

The Local Plan is not justified by the evidence as set out in the Density Report 2024 of housing density achieved since the last housing density report in 2018. The Local Plan in paragraph 8.24 sets a lower average housing density than has been achieved which means it is not consistent with the NPPF.

The Density Report 2024 states:

“2.3 Paragraph 125 of the NPPF highlights the importance of avoiding homes being built at low densities, where there is an anticipated shortage of land for meeting identified housing needs. Planning policies should avoid homes being built at low densities and ensure optimal use of land by using minimum density standards. These standards aim to uplift the average density of residential development and the use of these standards should be used in other parts of the plan area. Minimum density standards should also be used in a way which ensures that applications which fail to make efficient use of land be refused.”

It states in the Summary

“4.1 Following the four assessments several conclusions can be drawn with regards to density patterns throughout South Tyneside. Since the previous Density study in 2018:

- *The average density of sites assessed was 66 dwellings per hectare based on net site area. This is an increase of 16 dwellings per hectare since the previous study.*
- *The assessments showed that density declined as site area increased and that sites less than 1 hectare had a density significantly higher than those over 1 hectare. Sites less than 1 hectare had an average density of 82 dwellings per hectare. Sites over 1 hectare had a density of 40 dwellings per hectare.*
- *In general sites with a higher yield had typically lower densities. Sites with less than 50 dwellings had an average density of 50 dwellings per hectare whereas sites with more than 250 dwellings had an average density of 28 dwellings per hectare.*
- *Sites in the urban area of South Shields had the highest densities with an average of 72 dwellings per hectare. This is likely due to the nature of the area and the large proportion of smaller sites.*
- *Compared to the standard density buffers in Policy SC3 of the adopted LDF and the Strategic Housing Land Availability Assessment higher densities were achieved across all three categories. “*

However, the Recommendations for Housing Density which have been utilised by the Regulation 19 Draft Local Plan are lower than the densities which have been achieved. The Density Report states:

“6.1 Housing yield must ultimately be determined by design. However, for the purposes of estimating housing yield as part of the Strategic Housing Land Availability Assessment and Local Plan site selection process the following density calculations are recommended:

- *Average 60 dwellings per hectare on sites within 400m in the Jarrow and Inner South Shields character areas (higher densities may also be appropriate on a site by site basis e.g. by the riverside on sites such as Holborn and Hawthorn Leslie);*
- *Average 55 dwellings per hectare on sites within 400m in the rest of the borough;*
- *Average 45 dwellings per hectare on sites between 400m – 800m in the rest of the borough; and*
- *Average 35 dwellings per hectare on sites beyond 800m in the rest of the borough.*

6.2 These densities will be used to estimate site capacities in the Strategic Housing Land Availability Assessment where other information (e.g. planning applications, information from developers etc.) is not available. Should this information be available it will be used.”

The Density Report 2024 also underestimates the housing densities which have been achieved because two very large urban brownfield sites have been excluded from the assessment:

“3.2 Whilst permission was given to 26 sites during this period only 24 sites will be used in this study. The sites at Leslie Hawthorn and Holborn have been omitted from this study as due to the nature of those sites they present an anomaly in the

densities. These sites have a much higher density as to be viable sites for the developers more dwellings on site were required. These sites have a much higher proportion of flats and apartments than others of this size and location. Therefore, to be able to analyse patterns and trends in the data these 2 sites have been treated as anomalies.”

If these two sites were included in the assessment, the average density achieved would be higher and the discrepancy between this and the recommendations for average density for the Local Plan would be even greater.

5. Objection made specifically regarding Policy 18: Affordable Housing, Policy 19: Housing Mix and Policy 20: Technical Design Standards for New Homes

The Local Plan is not justified and is not consistent with the NPPF in terms of meeting the housing needs identified in the Strategic Housing Market Assessment (SHMA) 2023.

In the section on Housing Allocations the Local Plan states:

“5.4 When allocating sites to meet the housing requirement, the Plan has looked to ensure the right homes are delivered in the right places, taking into account need, demand, deliverability, sustainability and improving choice.”

The SHMA 2023 has identified an annual need for 361 affordable homes each year across the borough which justifies the need for a robust affordable housing policy which will provide mechanisms to help meet this affordable need. Yet the same document states in the Executive Summary:

“It is recommended that the current target for 75% market and 25% affordable is maintained.” And in Paragraph 7.10 states: *“The SHMA would suggest that an overall target of 25% affordable housing should continue to be applied. This will be subject to viability testing before a target can be established for affordable housing in the emerging Local Plan.”*

The proposed proportion of affordable homes in Cleadon and East Boldon is 30%, but as median house prices in this area are £225,000 the accepted definition of affordable being 80% of market value means they will still be unaffordable to the very people requiring this provision.

The NPPF states *“62. Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).”*

Particular needs identified in the SHMA 2023 are:

- *“Increasing and diversifying the supply of specialist housing for older people. There is a need for 3,060 more units of accommodation for older people by 2040 comprising 1,803 C3 units, 885 C2 Extra Care units and 372 C2 Residential care units*
- *Based on an assessment of additional needs and longer-term demographics, a minimum of 5% of new dwellings should be built to M4(3) wheelchair accessible standard; and all other new dwellings should be built to M4(2) accessible and adaptable standard.”*

However the Local Plan fails to implement these recommendations in full as Policy 20: Technical Design Standards for New Homes states:

*“1. To meet the needs of older people and people with disabilities, a minimum of 5% of new build housing in developments of 50 homes or more shall be built to Building Regulations Requirement M4(3) (wheelchair user dwellings).
2. All residential dwellings shall be designed to be built to meet Building Regulations Requirement M4(2): (Accessible and adaptable dwellings) except where it can be demonstrated that this is impractical or unviable due to site specific constraints.”*

Policy 20 introduces a condition that this target for wheelchair user dwellings (ie Building Regulations Requirement M4(3)) will only apply in housing developments of 50 homes or more. This means that the Local Plan is not justified by the evidence of the need for these type of homes.

6. Support for Policy 16: Houses in Multiple Occupation

We welcome Policy 16 Houses in Multiple Occupation (HMO) as this is justified by the evidence of clustering of HMOs in particular areas of the borough and the need for further measures in paragraph 2 of the policy for the Lawe Top Article 4 Direction area.

7. Objection made specifically regarding Policy 1 Promoting Healthy Communities and Policy 2 Air Quality; and SP5: Former Brinkburn Comprehensive School and SP6: Former Chuter Ede Education Centre

The Local Plan is not justified because these policies will not ensure the Strategic Objectives for Promoting Healthy Communities will be achieved; and these policies are not consistent with national policy.

The Local Plan proposes the development of several vital community open spaces, for example the playing field land at Chuter Ede and Brinkburn School, despite stating in Policy 1:

“The Council and its partners, including the NHS, will seek to improve the health, wellbeing and quality of life of South Tyneside residents, reduce health inequalities, and to help people live longer and healthier lives. This will be achieved by:

1. Supporting new development which: i. Increases opportunities for physical activity and active travel through the provision of good quality sport and recreation facilities and safe and accessible walking, cycling and public transport networks.”

and

“iii. Enhances the green and blue infrastructure network and supports climate change mitigation and adaptation.”

These community open spaces must be protected and removed from the Local Plan as sites for development. The importance of these community open spaces is recognised in NPPF paragraph 98, 20-23, 26 and 92.

Building on playing fields for example at Chuter Ede has the exact opposite effect to the objective, increasing the local population while removing green space playing fields that are used for exercise.

There is little in the Local Plan that would fulfil the Strategic Objectives for Promoting Healthy Communities. In fact, some parts of the plan make the situation worse including the proposed development in areas that will promote car use such as in Cleadon, East Boldon and Whitburn. These developments will typically have two cars per household, adding potentially thousands of car journeys on an already congested road system. This will have a detrimental effect road safety and on the local environment due to noise and exhaust emissions. Some areas have air pollution levels already in excess of the World Health Organisation recommended maximums. These vehicle journeys will only make this more dangerous as there are no safe levels for these pollutants.

The Local Plan states in paragraph 6.14: *“The importance of good air quality is recognised by the World Health Organisation which produced a series of standards that have been adopted by the European Commission and subsequently the UK”.*

A Local Authority recognising this will be aware that the World Health Organisation (WHO) air quality standards were revised in 2021 and the recommended pollutant levels, to be achieved, were revised down by a considerable amount. NOTE: These are not safe levels as scientists do not consider any amount to be safe. It is inconceivable that the UK national standards will not be reduced to reflect these changes.

In the Local Plan, Policy 2: Air Quality states *“2. Where significant air quality impacts are likely to be generated by the development, an appropriate air quality assessment will be required”.* Due to the changes in WHO levels it is reasonable to predict large areas of the Borough will exceed these and the proposed developments in Policy SP7: Urban and Village Sustainable Growth Areas in particular will result in unsafe air pollution.

The council has a duty as far as reasonably practicable to ensure the health and safety of its residents. Given the above, the Local Plan must be revised to take into consideration the results of the proposed developments on air quality and specified measures that would reduce pollution levels to the minimum possible.

NPPF states in 186: “Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications.”

The Local Plan has failed to identify these opportunities adequately and therefore is not consistent with the NPPF and this demonstrates that the Local Plan is not sound.

NPPF states: “31. The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned...”

The revised WHO air pollution levels are relevant and up-to-date and should be a material consideration.

8. Objection made specifically regarding Section 7: Meeting the Challenge of Climate Change, Flooding and Coastal Change

The Local Plan is not sound because it is not compliant with the Climate Change Act 2008 and Planning and Compulsory Purchase Act 2004 (as amended) duties or consistent with NPPF guidance – carbon accounting and climate mitigation.

The increased carbon emissions from the development proposed in the Local Plan will add to South Tyneside’s carbon footprint and add to the climate change emergency.

National legislation and guidance strongly stress the central role of the planning system in securing radical reductions in greenhouse gas emissions and require Local Plans to:

The policies should aim to secure radical carbon reductions in line with a trajectory for the authority area that is consistent with the UK achieving full carbon neutrality by 2050, and in the short term should test the policy options available to achieve the highest level of ambition possible to meet this goal.

As far as possible, all new development should be zero carbon given that the country's net zero target must be met in the next 30 years. A good example from another area is Reading Council: *"The council's 2019 Local Plan requires that all new residential developments of ten or more homes are built to zero carbon standards if possible."* Zero carbon is an achievable standard.

Adoption of this strategy aligns with the councils own stated aims of the Economic Recovery Plan 2020 to *Catalyse green and sustainable growth by maximising the potential of our low-carbon and digital assets and expertise.*

With regards to Policy 15 much is to be welcomed. 15.1 states *Improve the condition of existing homes by enhancing energy efficiency and reducing carbon emissions in existing buildings* And 15.4 *Facilitate improvements to properties that have traditionally suffered from poor management and under-investment*

However, currently demolition is placed far too highly as an option for the current housing stock. Refitting and retrofitting is by far the less carbon intensive approach so demolition must be de-prioritised.

The Local Plan must be revised in order to bring it into compliance with legislative and policy requirements around climate change and the councils stated ambitions.

9. Objection made specifically regarding Policy 6: Renewables and Low Carbon Energy Generation

The Local Plan is not sound because this policy is not consistent with national policy.

NPPF 156 states: *"Local planning authorities should support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning."*

We welcome Policy 6 paragraph 2 supporting the inclusion of renewable energy into developments, but the text is not strong enough, and once again, will not change business as usual development approaches. A requirement to include and maximise on-site renewable energy generation needs to be folded into an overall green house gas emissions policy, as seen in the London Plan, policy S12¹.

We welcome Policy 6 paragraph 4, the inclusion of policies requiring development to connect to district heating networks, however this policy needs to be made significantly stronger. The best example of which we are aware is draft policy SI13 of the draft London Plan. As the whole of South Tyneside is located over disused mine-

¹ London Plan – policy S12 - www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/draft-new-london-plan/chapter-9-sustainable-infrastructure/policy-si2-minimising#r-SI2

workings more heating schemes like the “Hebburn Minewater Project” should be invested in for housing schemes.

10. Objection made specifically regarding Policy 10 Disposal of Foul Water and Policy 11 Protecting Water Quality

The Local Plan is not justified because these policies are not able to ensure the Objectives for Protecting Water Quality will be achieved; and is not consistent with national policy.

The Local Plan does not refer to the current significant level of sewage pollution in South Tyneside. Population levels have increased considerably in the UK since Victorian times yet we are still using combined sewers that were constructed in the 19th century. If more housing development is permitted, especially on green spaces, more pressure will be exerted on an already failing sewage system. However, in the consultation on the Draft Local Plan, South Tyneside Council confirmed that no extra sewage will be added to the existing infrastructure on the recommendations of Northumbrian Water who have assured them the existing system will cope.

NPPF states “*20. Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for: ...
b) infrastructure for ...wastewater*”

NPPF states: “*185. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.*”

The Environmental Permitting Regulations 2016 Permits to discharge untreated sewage from Combined Sewer Overflows into watercourses during heavy rainfall are issued to water companies and regulated by the Environment Agency. There is growing evidence to show that these permits are being abused. Sewage is regularly discharged into South Tyneside watercourses in moderate rainfall. This is due to a lack of capacity at the sewage treatment works caused by a lack of investment and contravenes environmental law.

The Environment Agency (EA) has been required to install Event Duration Monitors (EDMs) in all Combined Sewer Overflows (CSOs). These record the number of discharges and the duration of the discharges. The Whitburn system remains in

breach of environmental law as of March 2021, but the EA want to wait 10 years to 'assess' the system.

The data supplied by the authorities needs to be treated with caution. In March 2020 the EA issued an apology after their published sewage discharge records for Whitburn for 2019 were challenged. They were forced to increase the volume of CSO discharges for Whitburn by 10% from 683,676 cubic metres to 760,993.5 cubic metres. In March 2021 Northumbrian Water issued an apology after their published untreated sewage discharge records for Hendon Sewage treatment works for 2019 were challenged. They were forced to increase their published hours of untreated discharges in 2019 from Hendon Sewage Treatment works by 4,000% from 15 hours 52 mins to 646 hours.

Sewage pollution is a contributor to climate change. Seagrasses can absorb more carbon up to 40 times faster than terrestrial forests and these ecosystems become sources of CO2 emissions when they are degraded or destroyed. A major driver of seagrass decline is nutrient pollution from sewage. A study has shown that 90% of the seagrass meadows in the UK have been lost to pollution. Locally, the seagrass meadows in the River Tyne estuary have been devastated by sewage flowing from nearby Combined Sewer Overflows.

Sewage pollution causes harm to public health. Recent epidemiological studies show a close relationship between contact with polluted waters and the incidence of gastro-intestinal, eye, ear, nose and throat infections or irritations and respiratory symptoms. This is a recognised problem for surfers, kite surfers, windsurfers, sailors, kayakers and wild swimmers. Even the dog walkers, joggers and walkers who all enjoy the access to South Tyneside's riverside and beaches throughout the year are at risk from sewage pollution.

Public Health is a material planning consideration. Local authorities have important and wide-ranging public health functions, for example under the Public Health (Control of Disease) Act 1984. This legislation adopts an 'all-hazards' approach and provides South Tyneside Council with the necessary powers to control human health risks arising from infection or contamination of any form including chemicals and radiation. Statutory duties for public health were conferred on local authorities by the Health and Social Care Act 2012. Local authorities (and directors of public health acting on their behalf) now have a critical role in protecting the health of their population, both in terms of helping to prevent threats arising and in ensuring appropriate responses when things do go wrong.

Health considerations are capable of being material planning considerations. This is recognised in the NPPF which includes the following statement at paragraph 92: *"Planning policies and decisions should aim to achieve healthy, inclusive and safe places."*

The health implications of exposure to the levels of sewage pollution regularly discharged into the River Tyne and on to the beaches of South Tyneside must be a material planning consideration with respect to future developments as, without an improvement in sewage treatment capacity, more development will bring about an inevitable increase in sewage pollution.

Response drafted by South Tyneside Green Party February 2024

Response ID BHLF-RUCU-JV22-3

Submitted to Sustainability Appraisal 2024

Submitted on 2024-04-23 14:43:56

Have your say

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

Section of the SA:

Employment land

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

Comments:

3. Objection made regarding Sustainability Appraisal Report 2024 – Employment Land and policy SP14: Wardley Colliery

The Sustainability Appraisal Report 2024 notes that the Local Plan has increased the amount of land required for employment from the Draft Regulation 18 Local Plan. It notes that the level of employment growth underpinning this is high in the context of past trends.

This demonstrates that the Regulation 19 Draft Local Plan is not justified by the evidence base; the amount of land for employment allocated for employment is too high and more of this land needs to be utilised for housing development in existing urban areas. The removal from the Green Belt of the Wardley Colliery site in SP14 is not justified.

The Sustainability Appraisal Report states:

“Preferred Options

4.41 Within the Draft Local Plan 2019, the Council took forward the following preferred options for employment land: □ General Employment Land – Option 2: Policy-on Scenario □ Port and Marine Land – Option 3: Past Completions (net)

4.42 These options were selected because the Council considered them to have the most positive effects on SA objective 9 (encourage and support economic growth within South Tyneside) and SA objective 10 (increase opportunities for employment and education and improve living standards). The Council’s reasons for this were set out in the 2019 SA Report.

4.43 In the Draft Regulation 18 Local Plan (June 2022) the Council’s preferred scenario for employment land requirements over the Plan period was the Baseline Labour Demand Scenario. The reasons for this were set out in detail in the 2022 Employment Land Technical Paper, which explained that in choosing this scenario the Council was being cognisant of the constraints imposed by the Green Belt and the very high value placed on this resource by local communities.”

And

“4.45 In the Regulation 19 Draft Publication Plan, the Council’s preferred scenario for employment land requirements over the Plan period is the Policy-on Labour Demand Scenario. As explained in the 2023 Employment Land Technical Paper, the level of employment growth underpinning this scenario, which seeks to capture the impacts of IAMP on the general employment land market, is high in the context of past trends. The 2023 ELR advises that the IAMP proposals are expected to create significant employment opportunities in the wider supply chain. However, the ELR does caution that the ability to fully take advantage of these opportunities will depend on the ‘ability to offer good quality employment sites, with good access to the strategic road network and in close proximity to the IAMP.’”

The SAR also notes the negative impact of this preferred option for employment land:

“4.26 However, negative effects were recorded against a number of environmental objectives, reflecting the impact that a high economic growth could have upon the environment due to proximity existing designations, and increased impacts on natural resources, potential impacts on biodiversity and wildlife corridors. This level of growth is also likely to require land from the Green Belt to facilitate the growth aspirations; this objective therefore scored negatively against objective 4 (Green Belt) and objective 5 (green infrastructure) due to the potential impacts on the Green Infrastructure corridor.”

The Sustainable Appraisal Non-Technical Summary states in the section assessing the Likely Effects of the Local Plan Options:

“Preferred Options

34. In the Draft Regulation 18 Local Plan (June 2022) the Council’s preferred scenario for employment land requirements over the Plan period was the Baseline Labour Demand Scenario. In choosing this scenario the Council had been cognisant of the constraints imposed by the Green Belt and the very high value placed on this resource by local communities. In the Regulation 19 Draft Publication Plan, the Council’s preferred scenario for employment land requirements over the Plan period is the Policy-on Labour Demand Scenario. As explained in the 2023 Employment Land Technical Paper, the level of employment growth underpinning this scenario, which seeks to capture the impacts of IAMP on the general employment land market, is high in the context of past trends. The 2023 ELR advises that the IAMP proposals are expected to create significant employment opportunities in the wider supply chain. However, the ELR does caution that the ability to fully take advantage of these opportunities will depend on the ‘ability to offer good quality employment sites, with good access to the strategic road network and in close proximity to the IAMP.’”

3 What is your name?

Name:

Joanne, Christopher, Jack and Harry West

4 What is your email address?

Email:

[REDACTED]

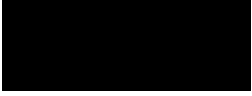
5 Who are you responding as?

Resident or Member of the General Public

Organisation:

6 What is your postal address?

Address:




Objection to the Local Plan

From Ann West 

Date Sat 3/2/2024 8:04 PM

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

 1 attachments (182 KB)

South-Tyneside-Green-Party-Response-to-Local-Plan-2024.pdf;

<div style="color: black; background-color: #ffff99; background-clip: padding-box; border: 2px solid black; margin: 5px; padding: 5px; font-family: Arial; font-size: 11pt;">*** WARNING - This message has originated from outside the Council. Do not provide any login or password details if requested. Do not click on any links or attachments unless you are sure that the content is safe. If you are unsure about this email or its content forward it to: email.quarantine@southtyneside.gov.uk, clearly stating your concerns in the email </div>
We the below wish to submit an objection to the Local Plan as it stands and as detailed by the attached Green Party objections, which we agree with and heartedly support.

As residents of Cleadon we are already experiencing problems related to a shortfall in the provision of infrastructure such as congested roads, lack of health services, fully subscribed schools, sewage overspill/inadequate sewage works and seasonal flooding.

The 204 houses that are to be built on the brownfield/industrial site on Cleadon Lane will stretch these services further without adding the additional proposed housing on the Green Belt.

After attending one of the South Tyneside Council planning proposal meetings it appears the only reason the Council want to release these Green Field sites, is the revenue they will receive, but with no guarantee that the developers will provide the necessary infrastructure to support this increase in housing and local population.

Very little consideration has been placed on the benefits to us all of having green areas to promote wellbeing both from an aesthetic element and the ability to get out into nature for activities such as walking and cycling without having the worries of increased traffic and noise.

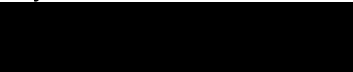
Yours sincerely


Jennie and Ann West


Nicola, David and Megan West


Bev, Jon and Robyn Olds


Joyce and Bill Hills


Hilary, Mammed and Alex Bagher

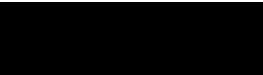




Joanne, Christopher, Jack and Harry West



Andrew Davison



Lauren and Nicholas Bagher



South Tyneside Green Party Response to South Tyneside Regulation 19 Draft Local Plan 2024

1. Objection made specifically regarding Policy SP2: Strategy for Sustainable Development

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

This policy must be revised to decrease the number of homes being planned for, in order to meet the requirement to be sound on the basis of being positively prepared, so that it meets the area's objectively assessed needs and is consistent with achieving sustainable development.

In SP2 paragraph 4.9 of the Local Plan it states:

"4.9 To determine the minimum number of homes needed, a local housing need assessment has been conducted using the standard method detailed in the national planning guidance. The standard method uses a formula to identify the minimum number of homes expected to be planned for in a way which addresses projected household growth and any historic under-supply. Using this approach the local housing needs assessment has concluded that for the plan period (1st April 2023 to 31st March 2040) 309 dwellings are required every year. This produces an overall minimum housing requirement of 5,253 new homes over the Plan period. The household projections that inform the housing baseline are the 2014-based household projections. This figure could change upwards or downwards based on new data. South Tyneside's housing requirement will not be 'locked in' until the Plan is submitted to the independent Planning Inspectorate."

The Local Plan is based on inaccurate population projections. Census data show a consistently falling population in South Tyneside, from 157,200 in 1991, to 152,785 in 2001, to 148,127 in 2011, to 147,800 in 2021. Yet the Local Plan assumes a population of 151,936 for 2021, an overestimate of 4,136, and that it would continue to increase over the next 20 years.

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

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

The East Boldon Neighbourhood Forum received the following statement from the Department for Levelling Up, Housing & Communities, written by Alan C Scott, Planning policy adviser on behalf of the Secretary of State:

“In 2018 the Framework introduced a standard method for calculating local housing need to make the process simple, quick and transparent. “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”.

The NPPF paragraph 5 and 6 states:

“5. National policy statements form part of the overall framework of national planning policy, and may be a material consideration in preparing plans and making decisions on planning applications.

6. Other statements of government policy may be material when preparing plans or deciding applications, such as relevant Written Ministerial Statements and endorsed recommendations of the National Infrastructure Commission.”

Michael Jenrick, then Secretary of State for Housing, Communities and Local Government, made a Written Statement 16th December 2020:

“There were many consultation responses which did not fully recognise that the standard method for assessing Local Housing Need does not present a ‘target’ in plan-making, but instead provides a starting point for determining the level of need for housing in an area. It is only after consideration of this, alongside what constraints areas face, such as the Green Belt, and the land that is actually available for development, that the decision on how many homes should be planned for is made.”

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

“Today’s update to the National Planning Policy Framework (NPPF)

It provides clearer protection for the Green Belt, clarity on how future housing supply should be assessed in plans and on the responsibility of urban authorities to play their full part in protecting the character of precious neighbourhoods.

The new NPPF will: facilitate flexibility for local authorities in relation to local housing need; clarify a local lock on any changes to Green Belt boundaries;

The new NPPF makes clear that the outcome of the standard method is an advisory starting point in plan making for establishing the housing requirements for an area.”

The above is supported by guidance in The House of Commons Library published on 27 August 2021 “Calculating housing need in the planning system (England)” which states in 2.4:

“A starting point, not a target? Land constraints and the standard method. The standard method is intended to be the starting point in determining how many homes an LPA can and should deliver, but is not a target. LPAs must also take account (for example) of land constraints, such as the Green Belt.”

<https://commonslibrary.parliament.uk/research-briefings/cbp-9268/>

This means that South Tyneside Council is able to determine its housing requirement and can take into account the restraint of the Green Belt.

2. Objection to development on the Green Belt, made specifically regarding Policies SP3: Spatial Strategy for Sustainable Development and SP7: Urban and Village Sustainable Growth Areas

These policies are not justified by the evidence and the case for exceptional circumstances to amend the Green Belt boundary has not been made.

The Local Plan must be revised to remove the proposed amendment to the Green Belt boundary to allocate additional land for housing and to withdraw all of the sites proposed for removal from the Green Belt: GA1-6 and SP8.

The Green Belt land allocation in the Local Plan is for 2,308 new homes but there is no justification for building on this precious resource. The Green Belt does not need to be built on and therefore the least harm to this resource is no further development at all on the Green Belt and exceptional circumstances have not been established. The Local Plan must be revised in order to meet the requirement to be sound on the basis of being justified, as an appropriate strategy, taking into account the reasonable alternatives and based on proportionate evidence; and on the basis of being consistent with national policy.

In the Local Plan, Policy SP3: Spatial Strategy for Sustainable Development proposes amending the Green Belt boundary to allocate additional land for housing and Policy SP7 Urban and Village Sustainable Growth Areas proposes the removal of sites from the Green Belt and allocation for housing development.

The Local Plan states in Policy SP3: Spatial Strategy for sustainable development:

“To meet the identified needs in Policy SP2 and to facilitate sustainable growth, the Plan will:

- 1. Support the sustainability of existing communities by focusing growth within the Main Urban Area including South Shields, Hebburn and Jarrow*
- 2. 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*
- 3. Encourage the re-use of suitable and viable brownfield land and, where appropriate, encourage higher development densities.*
- 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*
- 5. Create a new sustainable, community within the Fellgate Sustainable Growth Area (Policy SP8) by providing homes and community facilities.*
- 6. Prioritise the regeneration of South Shields Riverside, South Shields Town Centre, Fowler Street Improvement Area, and the Foreshore Improvement Area*
- 7. Prioritise economic development in designated Employment Areas, including the Port of Tyne, that are accessible by a range of transport modes and allocate additional land at Wardley Colliery*
- 8. Enhance and strengthen green infrastructure, ecological networks and Green Belt throughout South Tyneside and between neighbouring authorities.*

The National Planning Policy Framework (NPPF) states:

“140. Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period”

As demonstrated in Objection 1 above, there is no evidence that the housing requirement for the Plan period is at a level requiring development on the Green Belt. The strategic need has not been proven, for example there has been no cooperation with neighbouring local authorities which have Local Plans that intend to cumulatively build in excess of 19,000 houses above their respective ONS 2018 housing projections.

Sunderland Local Plan –	10,755 excess houses by 2033
Gateshead Local Plan –	6,337 excess houses by 2030
North Tyneside Local Plan -	2,238 excess houses by 2032

A planning appeal decision has confirmed the protected status of the Green Belt. This decision reiterates and reinforces the protection from inappropriate development given to the Green Belt in national planning policy.

Broke Hill golf course

In the Broke Hill case in Sevenoaks, Kent, the Inspector confirmed that, where planning policies protect areas of particular importance and provide a clear reason for refusing the development, the so-called “tilted balance” presumption in favour of granting planning permission does not apply.

For Broke Hill, the planning policies in this case related to protection of the Green Belt. This is especially important as Sevenoaks does not have the required five-year supply of housing land nor has it met the government’s housing delivery test for 2021. The inspector noted a number of benefits of the proposed development including provision of affordable housing. However, he concluded that notwithstanding the lack of five-year housing supply, the housing delivery test, and the benefits, this did not outweigh the harm that would be caused to the Green Belt, and were not sufficient to override national and local planning policies protecting the Green Belt. “The tilted balance is not invoked, however, because the Framework at Paragraph 11d(i) and footnote 7 protects both areas and assets of particular importance, which include the Green Belt, and provides a clear reason to dismiss the appeal.” Stephen Wilkinson, Inspector Planning Inspectorate decision Broke Hill golf course 31 January 2022

This case along with ministerial statements demonstrates that the Local Plan fails to be consistent with national planning policy to protect the Green Belt, as specified in paragraph 11 of the National Planning Policy Framework.

The Local Plan must be revised to remove the proposed amendment to the Green Belt boundary to allocate additional land for housing and to withdraw all of the sites proposed for removal from the Green Belt.

Furthermore, the Local Plan is not justified because the NPPF states:

“141. Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph, and whether the strategy:

a) makes as much use as possible of suitable brownfield sites and underutilised land;

b) optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum

density standards in town and city centres and other locations well served by public transport; and

c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.”

Regarding paragraph “a”, it has not been proven that all brownfield sites have been considered.

There are underutilised sites such as areas in South Shields town centre where previously developed land is used for car parking rather than housing like the area at the Mill Dam in South Shields, the former Staithes House and surrounding land near the town centre has been cleared for development for decades. The large office building at Harton Quay was leased by BT Group until last year but BT Group then closed its office and redeployed its 500 staff to other parts of the North East.

These are areas close to South Shields transport interchange and so would satisfy paragraph “b” the need to promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport.

The failure to rent out office space also drawn into question the planned 200,000 sq ft of office space in the adjacent Holborn development especially as the Utilitywise office building just down river had to be converted to flats after lying empty for a long period.

Planners overlooked possible brownfield sites across South Tyneside. Questions raised over validity of the reasons for rejection have not been answered. Some examples are the health clinic site near the ambulance station on Boldon Lane, the Pickwick pub in Biddick Hall, the former Methodist church on Bede Burn Road, the former Park Hotel on Lawe Road have not been included in the Local Plan.

Immediately after the Regulation 18 consultation in 2022, planning permission was given for 446 houses on the former Hawthorn Leslie shipyard that had lain redundant for several years. This was not included in the Regulation 18 Draft Plan. A similar situation exists at the former Rohm and Hass brownfield site near Jarrow town centre that would comply with 141 a) and b). This land if designated for industry could be released for housing as the land designated for employment in the Regulation 19 Local Plan is not justified by the evidence.

A further statement which is insufficient is paragraph 4.31, Sustainable Urban and Village Extensions:

“The Council has undertaken an extensive Green Belt review to identify land which would cause the least harm to the purposes of the Green Belt, that is considered suitable for development, and that could create a new defensible Green Belt boundary. Through this work, the Council has also established the exceptional circumstances to justify amending the Green Belt boundary at each location.

Following consultation on the Plan, the Council will undertake a Green Belt boundary review which will review the entire Green Belt boundary to ensure that it has a strong and defensible boundary as required by the NPPF.”

It has been shown that the Green Belt does not need to be built on and therefore the least harm to this resource is no further development at all on the Green Belt and exceptional circumstances have not been established.

Regarding paragraph “c”, there is no evidence that the aggregated housing assessments of the neighbouring authorities has been compared with the projected population levels of these authorities to show that there will be no overall supply. The simple statement in 4.28 in the Local Plan is insufficient:

“28. Prior to identifying land in the Green Belt the Council has, as part of Duty to Cooperate, discussed whether neighbouring authorities could accommodate additional housing. As set out in the Duty to Cooperate Statement, neighbouring authorities have confirmed that they would be unable to provide land to meet South Tyneside’s needs.”

The duty to cooperate has not been evidenced as required by guidance such as PAS – Doing your duty practice update [doing-your-duty-practice--1a3.pdf \(local.gov.uk\)](https://www.local.gov.uk/doing-your-duty-practice--1a3.pdf)

The recommendations in this have not been followed including number 10:

“10. Plans should reflect joint working and cooperation to address larger than local issues. In many cases, joint studies with other local planning authorities formed part of the evidence used to demonstrate compliance with the duty. Past cooperation put many local planning authorities in a strong position, particularly where this has resulted in the preparation of sub-regional strategies, joint studies or common methodologies on SHMA, Strategic Flood Risk Assessment, economic assessments, Green Infrastructure studies, landscape and renewables assessments, and transport studies.”

This failure is evident in the vast over provision of housing as previously shown and shared infrastructure for example the health and sewage systems between South Tyneside and Sunderland as well as employment at IAMP. This shows that the Plan is not sound.

3. Objection made regarding Sustainability Appraisal Report 2024 – Employment Land and policy SP14: Wardley Colliery

The Sustainability Appraisal Report 2024 notes that the Local Plan has increased the amount of land required for employment from the Draft Regulation 18 Local Plan. It notes that the level of employment growth underpinning this is high in the context of past trends.

This demonstrates that the Regulation 19 Draft Local Plan is not justified by the evidence base; the amount of land for employment allocated for employment is too high and more of this land needs to be utilised for housing development in existing urban areas. The removal from the Green Belt of the Wardley Colliery site in SP14 is not justified.

The Sustainability Appraisal Report states:

“Preferred Options

4.41 Within the Draft Local Plan 2019, the Council took forward the following preferred options for employment land: ■ General Employment Land – Option 2: Policy-on Scenario ■ Port and Marine Land – Option 3: Past Completions (net)

4.42 These options were selected because the Council considered them to have the most positive effects on SA objective 9 (encourage and support economic growth within South Tyneside) and SA objective 10 (increase opportunities for employment and education and improve living standards). The Council’s reasons for this were set out in the 2019 SA Report.

4.43 In the Draft Regulation 18 Local Plan (June 2022) the Council’s preferred scenario for employment land requirements over the Plan period was the Baseline Labour Demand Scenario. The reasons for this were set out in detail in the 2022 Employment Land Technical Paper, which explained that in choosing this scenario the Council was being cognisant of the constraints imposed by the Green Belt and the very high value placed on this resource by local communities.”

And

“4.45 In the Regulation 19 Draft Publication Plan, the Council’s preferred scenario for employment land requirements over the Plan period is the Policy-on Labour Demand Scenario. As explained in the 2023 Employment Land Technical Paper, the level of employment growth underpinning this scenario, which seeks to capture the impacts of IAMP on the general employment land market, is high in the context of past trends. The 2023 ELR advises that the IAMP proposals are expected to create significant employment opportunities in the wider supply chain. However, the ELR does caution that the ability to fully take advantage of these opportunities will depend on the ‘ability to offer good quality employment sites, with good access to the strategic road network and in close proximity to the IAMP’.”

The SAR also notes the negative impact of this preferred option for employment land:

“4.26 However, negative effects were recorded against a number of environmental objectives, reflecting the impact that a high economic growth could have upon the environment due to proximity existing designations, and increased impacts on natural resources, potential impacts on biodiversity and wildlife corridors. This level of growth is also likely to require land from the Green Belt to facilitate the growth aspirations; this objective therefore scored negatively against objective 4 (Green

Belt) and objective 5 (green infrastructure) due to the potential impacts on the Green Infrastructure corridor.”

The Sustainable Appraisal Non-Technical Summary states in the section assessing the Likely Effects of the Local Plan Options:

“Preferred Options

34. In the Draft Regulation 18 Local Plan (June 2022) the Council’s preferred scenario for employment land requirements over the Plan period was the Baseline Labour Demand Scenario. In choosing this scenario the Council had been cognisant of the constraints imposed by the Green Belt and the very high value placed on this resource by local communities. In the Regulation 19 Draft Publication Plan, the Council’s preferred scenario for employment land requirements over the Plan period is the Policy-on Labour Demand Scenario. As explained in the 2023 Employment Land Technical Paper, the level of employment growth underpinning this scenario, which seeks to capture the impacts of IAMP on the general employment land market, is high in the context of past trends. The 2023 ELR advises that the IAMP proposals are expected to create significant employment opportunities in the wider supply chain. However, the ELR does caution that the ability to fully take advantage of these opportunities will depend on the ‘ability to offer good quality employment sites, with good access to the strategic road network and in close proximity to the IAMP’.”

4. Objection made regarding Density Report 2024 and paragraph 8.24 of the Local Plan

The Local Plan is not justified by the evidence as set out in the Density Report 2024 of housing density achieved since the last housing density report in 2018. The Local Plan in paragraph 8.24 sets a lower average housing density than has been achieved which means it is not consistent with the NPPF.

The Density Report 2024 states:

“2.3 Paragraph 125 of the NPPF highlights the importance of avoiding homes being built at low densities, where there is an anticipated shortage of land for meeting identified housing needs. Planning policies should avoid homes being built at low densities and ensure optimal use of land by using minimum density standards. These standards aim to uplift the average density of residential development and the use of these standards should be used in other parts of the plan area. Minimum density standards should also be used in a way which ensures that applications which fail to make efficient use of land be refused.”

It states in the Summary

“4.1 Following the four assessments several conclusions can be drawn with regards to density patterns throughout South Tyneside. Since the previous Density study in 2018:

- *The average density of sites assessed was 66 dwellings per hectare based on net site area. This is an increase of 16 dwellings per hectare since the previous study.*
- *The assessments showed that density declined as site area increased and that sites less than 1 hectare had a density significantly higher than those over 1 hectare. Sites less than 1 hectare had an average density of 82 dwellings per hectare. Sites over 1 hectare had a density of 40 dwellings per hectare.*
- *In general sites with a higher yield had typically lower densities. Sites with less than 50 dwellings had an average density of 50 dwellings per hectare whereas sites with more than 250 dwellings had an average density of 28 dwellings per hectare.*
- *Sites in the urban area of South Shields had the highest densities with an average of 72 dwellings per hectare. This is likely due to the nature of the area and the large proportion of smaller sites.*
- *Compared to the standard density buffers in Policy SC3 of the adopted LDF and the Strategic Housing Land Availability Assessment higher densities were achieved across all three categories. “*

However, the Recommendations for Housing Density which have been utilised by the Regulation 19 Draft Local Plan are lower than the densities which have been achieved. The Density Report states:

“6.1 Housing yield must ultimately be determined by design. However, for the purposes of estimating housing yield as part of the Strategic Housing Land Availability Assessment and Local Plan site selection process the following density calculations are recommended:

- *Average 60 dwellings per hectare on sites within 400m in the Jarrow and Inner South Shields character areas (higher densities may also be appropriate on a site by site basis e.g. by the riverside on sites such as Holborn and Hawthorn Leslie);*
- *Average 55 dwellings per hectare on sites within 400m in the rest of the borough;*
- *Average 45 dwellings per hectare on sites between 400m – 800m in the rest of the borough; and*
- *Average 35 dwellings per hectare on sites beyond 800m in the rest of the borough.*

6.2 These densities will be used to estimate site capacities in the Strategic Housing Land Availability Assessment where other information (e.g. planning applications, information from developers etc.) is not available. Should this information be available it will be used.”

The Density Report 2024 also underestimates the housing densities which have been achieved because two very large urban brownfield sites have been excluded from the assessment:

“3.2 Whilst permission was given to 26 sites during this period only 24 sites will be used in this study. The sites at Leslie Hawthorn and Holborn have been omitted from this study as due to the nature of those sites they present an anomaly in the

densities. These sites have a much higher density as to be viable sites for the developers more dwellings on site were required. These sites have a much higher proportion of flats and apartments than others of this size and location. Therefore, to be able to analyse patterns and trends in the data these 2 sites have been treated as anomalies.”

If these two sites were included in the assessment, the average density achieved would be higher and the discrepancy between this and the recommendations for average density for the Local Plan would be even greater.

5. Objection made specifically regarding Policy 18: Affordable Housing, Policy 19: Housing Mix and Policy 20: Technical Design Standards for New Homes

The Local Plan is not justified and is not consistent with the NPPF in terms of meeting the housing needs identified in the Strategic Housing Market Assessment (SHMA) 2023.

In the section on Housing Allocations the Local Plan states:

“5.4 When allocating sites to meet the housing requirement, the Plan has looked to ensure the right homes are delivered in the right places, taking into account need, demand, deliverability, sustainability and improving choice.”

The SHMA 2023 has identified an annual need for 361 affordable homes each year across the borough which justifies the need for a robust affordable housing policy which will provide mechanisms to help meet this affordable need. Yet the same document states in the Executive Summary:

“It is recommended that the current target for 75% market and 25% affordable is maintained.” And in Paragraph 7.10 states: *“The SHMA would suggest that an overall target of 25% affordable housing should continue to be applied. This will be subject to viability testing before a target can be established for affordable housing in the emerging Local Plan.”*

The proposed proportion of affordable homes in Cleadon and East Boldon is 30%, but as median house prices in this area are £225,000 the accepted definition of affordable being 80% of market value means they will still be unaffordable to the very people requiring this provision.

The NPPF states *“62. Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).”*

Particular needs identified in the SHMA 2023 are:

- *“Increasing and diversifying the supply of specialist housing for older people. There is a need for 3,060 more units of accommodation for older people by 2040 comprising 1,803 C3 units, 885 C2 Extra Care units and 372 C2 Residential care units*
- *Based on an assessment of additional needs and longer-term demographics, a minimum of 5% of new dwellings should be built to M4(3) wheelchair accessible standard; and all other new dwellings should be built to M4(2) accessible and adaptable standard.”*

However the Local Plan fails to implement these recommendations in full as Policy 20: Technical Design Standards for New Homes states:

*“1. To meet the needs of older people and people with disabilities, a minimum of 5% of new build housing in developments of 50 homes or more shall be built to Building Regulations Requirement M4(3) (wheelchair user dwellings).
2. All residential dwellings shall be designed to be built to meet Building Regulations Requirement M4(2): (Accessible and adaptable dwellings) except where it can be demonstrated that this is impractical or unviable due to site specific constraints.”*

Policy 20 introduces a condition that this target for wheelchair user dwellings (ie Building Regulations Requirement M4(3)) will only apply in housing developments of 50 homes or more. This means that the Local Plan is not justified by the evidence of the need for these type of homes.

6. Support for Policy 16: Houses in Multiple Occupation

We welcome Policy 16 Houses in Multiple Occupation (HMO) as this is justified by the evidence of clustering of HMOs in particular areas of the borough and the need for further measures in paragraph 2 of the policy for the Lawe Top Article 4 Direction area.

7. Objection made specifically regarding Policy 1 Promoting Healthy Communities and Policy 2 Air Quality; and SP5: Former Brinkburn Comprehensive School and SP6: Former Chuter Ede Education Centre

The Local Plan is not justified because these policies will not ensure the Strategic Objectives for Promoting Healthy Communities will be achieved; and these policies are not consistent with national policy.

The Local Plan proposes the development of several vital community open spaces, for example the playing field land at Chuter Ede and Brinkburn School, despite stating in Policy 1:

“The Council and its partners, including the NHS, will seek to improve the health, wellbeing and quality of life of South Tyneside residents, reduce health inequalities, and to help people live longer and healthier lives. This will be achieved by:

1. Supporting new development which: i. Increases opportunities for physical activity and active travel through the provision of good quality sport and recreation facilities and safe and accessible walking, cycling and public transport networks.”

and

“iii. Enhances the green and blue infrastructure network and supports climate change mitigation and adaptation.”

These community open spaces must be protected and removed from the Local Plan as sites for development. The importance of these community open spaces is recognised in NPPF paragraph 98, 20-23, 26 and 92.

Building on playing fields for example at Chuter Ede has the exact opposite effect to the objective, increasing the local population while removing green space playing fields that are used for exercise.

There is little in the Local Plan that would fulfil the Strategic Objectives for Promoting Healthy Communities. In fact, some parts of the plan make the situation worse including the proposed development in areas that will promote car use such as in Cleadon, East Boldon and Whitburn. These developments will typically have two cars per household, adding potentially thousands of car journeys on an already congested road system. This will have a detrimental effect road safety and on the local environment due to noise and exhaust emissions. Some areas have air pollution levels already in excess of the World Health Organisation recommended maximums. These vehicle journeys will only make this more dangerous as there are no safe levels for these pollutants.

The Local Plan states in paragraph 6.14: *“The importance of good air quality is recognised by the World Health Organisation which produced a series of standards that have been adopted by the European Commission and subsequently the UK”.*

A Local Authority recognising this will be aware that the World Health Organisation (WHO) air quality standards were revised in 2021 and the recommended pollutant levels, to be achieved, were revised down by a considerable amount. NOTE: These are not safe levels as scientists do not consider any amount to be safe. It is inconceivable that the UK national standards will not be reduced to reflect these changes.

In the Local Plan, Policy 2: Air Quality states *“2. Where significant air quality impacts are likely to be generated by the development, an appropriate air quality assessment will be required”.* Due to the changes in WHO levels it is reasonable to predict large areas of the Borough will exceed these and the proposed developments in Policy SP7: Urban and Village Sustainable Growth Areas in particular will result in unsafe air pollution.

The council has a duty as far as reasonably practicable to ensure the health and safety of its residents. Given the above, the Local Plan must be revised to take into consideration the results of the proposed developments on air quality and specified measures that would reduce pollution levels to the minimum possible.

NPPF states in 186: “Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications.”

The Local Plan has failed to identify these opportunities adequately and therefore is not consistent with the NPPF and this demonstrates that the Local Plan is not sound.

NPPF states: “31. The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned...”

The revised WHO air pollution levels are relevant and up-to-date and should be a material consideration.

8. Objection made specifically regarding Section 7: Meeting the Challenge of Climate Change, Flooding and Coastal Change

The Local Plan is not sound because it is not compliant with the Climate Change Act 2008 and Planning and Compulsory Purchase Act 2004 (as amended) duties or consistent with NPPF guidance – carbon accounting and climate mitigation.

The increased carbon emissions from the development proposed in the Local Plan will add to South Tyneside’s carbon footprint and add to the climate change emergency.

National legislation and guidance strongly stress the central role of the planning system in securing radical reductions in greenhouse gas emissions and require Local Plans to:

The policies should aim to secure radical carbon reductions in line with a trajectory for the authority area that is consistent with the UK achieving full carbon neutrality by 2050, and in the short term should test the policy options available to achieve the highest level of ambition possible to meet this goal.

As far as possible, all new development should be zero carbon given that the country's net zero target must be met in the next 30 years. A good example from another area is Reading Council: *"The council's 2019 Local Plan requires that all new residential developments of ten or more homes are built to zero carbon standards if possible."* Zero carbon is an achievable standard.

Adoption of this strategy aligns with the councils own stated aims of the Economic Recovery Plan 2020 to *Catalyse green and sustainable growth by maximising the potential of our low-carbon and digital assets and expertise.*

With regards to Policy 15 much is to be welcomed. 15.1 states *Improve the condition of existing homes by enhancing energy efficiency and reducing carbon emissions in existing buildings* And 15.4 *Facilitate improvements to properties that have traditionally suffered from poor management and under-investment*

However, currently demolition is placed far too highly as an option for the current housing stock. Refitting and retrofitting is by far the less carbon intensive approach so demolition must be de-prioritised.

The Local Plan must be revised in order to bring it into compliance with legislative and policy requirements around climate change and the councils stated ambitions.

9. Objection made specifically regarding Policy 6: Renewables and Low Carbon Energy Generation

The Local Plan is not sound because this policy is not consistent with national policy.

NPPF 156 states: *"Local planning authorities should support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning."*

We welcome Policy 6 paragraph 2 supporting the inclusion of renewable energy into developments, but the text is not strong enough, and once again, will not change business as usual development approaches. A requirement to include and maximise on-site renewable energy generation needs to be folded into an overall green house gas emissions policy, as seen in the London Plan, policy S12¹.

We welcome Policy 6 paragraph 4, the inclusion of policies requiring development to connect to district heating networks, however this policy needs to be made significantly stronger. The best example of which we are aware is draft policy SI13 of the draft London Plan. As the whole of South Tyneside is located over disused mine-

¹ London Plan – policy S12 - www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/draft-new-london-plan/chapter-9-sustainable-infrastructure/policy-si2-minimising#r-SI2

workings more heating schemes like the “Hebburn Minewater Project” should be invested in for housing schemes.

10. Objection made specifically regarding Policy 10 Disposal of Foul Water and Policy 11 Protecting Water Quality

The Local Plan is not justified because these policies are not able to ensure the Objectives for Protecting Water Quality will be achieved; and is not consistent with national policy.

The Local Plan does not refer to the current significant level of sewage pollution in South Tyneside. Population levels have increased considerably in the UK since Victorian times yet we are still using combined sewers that were constructed in the 19th century. If more housing development is permitted, especially on green spaces, more pressure will be exerted on an already failing sewage system. However, in the consultation on the Draft Local Plan, South Tyneside Council confirmed that no extra sewage will be added to the existing infrastructure on the recommendations of Northumbrian Water who have assured them the existing system will cope.

NPPF states “*20. Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for: ...
b) infrastructure for ...wastewater*”

NPPF states: “*185. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.*”

The Environmental Permitting Regulations 2016 Permits to discharge untreated sewage from Combined Sewer Overflows into watercourses during heavy rainfall are issued to water companies and regulated by the Environment Agency. There is growing evidence to show that these permits are being abused. Sewage is regularly discharged into South Tyneside watercourses in moderate rainfall. This is due to a lack of capacity at the sewage treatment works caused by a lack of investment and contravenes environmental law.

The Environment Agency (EA) has been required to install Event Duration Monitors (EDMs) in all Combined Sewer Overflows (CSOs). These record the number of discharges and the duration of the discharges. The Whitburn system remains in

breach of environmental law as of March 2021, but the EA want to wait 10 years to 'assess' the system.

The data supplied by the authorities needs to be treated with caution. In March 2020 the EA issued an apology after their published sewage discharge records for Whitburn for 2019 were challenged. They were forced to increase the volume of CSO discharges for Whitburn by 10% from 683,676 cubic metres to 760,993.5 cubic metres. In March 2021 Northumbrian Water issued an apology after their published untreated sewage discharge records for Hendon Sewage treatment works for 2019 were challenged. They were forced to increase their published hours of untreated discharges in 2019 from Hendon Sewage Treatment works by 4,000% from 15 hours 52 mins to 646 hours.

Sewage pollution is a contributor to climate change. Seagrasses can absorb more carbon up to 40 times faster than terrestrial forests and these ecosystems become sources of CO2 emissions when they are degraded or destroyed. A major driver of seagrass decline is nutrient pollution from sewage. A study has shown that 90% of the seagrass meadows in the UK have been lost to pollution. Locally, the seagrass meadows in the River Tyne estuary have been devastated by sewage flowing from nearby Combined Sewer Overflows.

Sewage pollution causes harm to public health. Recent epidemiological studies show a close relationship between contact with polluted waters and the incidence of gastro-intestinal, eye, ear, nose and throat infections or irritations and respiratory symptoms. This is a recognised problem for surfers, kite surfers, windsurfers, sailors, kayakers and wild swimmers. Even the dog walkers, joggers and walkers who all enjoy the access to South Tyneside's riverside and beaches throughout the year are at risk from sewage pollution.

Public Health is a material planning consideration. Local authorities have important and wide-ranging public health functions, for example under the Public Health (Control of Disease) Act 1984. This legislation adopts an 'all-hazards' approach and provides South Tyneside Council with the necessary powers to control human health risks arising from infection or contamination of any form including chemicals and radiation. Statutory duties for public health were conferred on local authorities by the Health and Social Care Act 2012. Local authorities (and directors of public health acting on their behalf) now have a critical role in protecting the health of their population, both in terms of helping to prevent threats arising and in ensuring appropriate responses when things do go wrong.

Health considerations are capable of being material planning considerations. This is recognised in the NPPF which includes the following statement at paragraph 92: *"Planning policies and decisions should aim to achieve healthy, inclusive and safe places."*

The health implications of exposure to the levels of sewage pollution regularly discharged into the River Tyne and on to the beaches of South Tyneside must be a material planning consideration with respect to future developments as, without an improvement in sewage treatment capacity, more development will bring about an inevitable increase in sewage pollution.

Response drafted by South Tyneside Green Party February 2024

Response ID BHLF-RUCU-JV2N-Y

Submitted to Sustainability Appraisal 2024

Submitted on 2024-04-23 14:50:21

Have your say

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

Section of the SA:

Employment land

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

Comments:

3. Objection made regarding Sustainability Appraisal Report 2024 – Employment Land and policy SP14: Wardley Colliery

The Sustainability Appraisal Report 2024 notes that the Local Plan has increased the amount of land required for employment from the Draft Regulation 18 Local Plan. It notes that the level of employment growth underpinning this is high in the context of past trends.

This demonstrates that the Regulation 19 Draft Local Plan is not justified by the evidence base; the amount of land for employment allocated for employment is too high and more of this land needs to be utilised for housing development in existing urban areas. The removal from the Green Belt of the Wardley Colliery site in SP14 is not justified.

The Sustainability Appraisal Report states:

“Preferred Options

4.41 Within the Draft Local Plan 2019, the Council took forward the following preferred options for employment land: □ General Employment Land – Option 2: Policy-on Scenario □ Port and Marine Land – Option 3: Past Completions (net)

4.42 These options were selected because the Council considered them to have the most positive effects on SA objective 9 (encourage and support economic growth within South Tyneside) and SA objective 10 (increase opportunities for employment and education and improve living standards). The Council’s reasons for this were set out in the 2019 SA Report.

4.43 In the Draft Regulation 18 Local Plan (June 2022) the Council’s preferred scenario for employment land requirements over the Plan period was the Baseline Labour Demand Scenario. The reasons for this were set out in detail in the 2022 Employment Land Technical Paper, which explained that in choosing this scenario the Council was being cognisant of the constraints imposed by the Green Belt and the very high value placed on this resource by local communities.”

And

“4.45 In the Regulation 19 Draft Publication Plan, the Council’s preferred scenario for employment land requirements over the Plan period is the Policy-on Labour Demand Scenario. As explained in the 2023 Employment Land Technical Paper, the level of employment growth underpinning this scenario, which seeks to capture the impacts of IAMP on the general employment land market, is high in the context of past trends. The 2023 ELR advises that the IAMP proposals are expected to create significant employment opportunities in the wider supply chain. However, the ELR does caution that the ability to fully take advantage of these opportunities will depend on the ‘ability to offer good quality employment sites, with good access to the strategic road network and in close proximity to the IAMP.’”

The SAR also notes the negative impact of this preferred option for employment land:

“4.26 However, negative effects were recorded against a number of environmental objectives, reflecting the impact that a high economic growth could have upon the environment due to proximity existing designations, and increased impacts on natural resources, potential impacts on biodiversity and wildlife corridors. This level of growth is also likely to require land from the Green Belt to facilitate the growth aspirations; this objective therefore scored negatively against objective 4 (Green Belt) and objective 5 (green infrastructure) due to the potential impacts on the Green Infrastructure corridor.”

The Sustainable Appraisal Non-Technical Summary states in the section assessing the Likely Effects of the Local Plan Options:

“Preferred Options

34. In the Draft Regulation 18 Local Plan (June 2022) the Council’s preferred scenario for employment land requirements over the Plan period was the Baseline Labour Demand Scenario. In choosing this scenario the Council had been cognisant of the constraints imposed by the Green Belt and the very high value placed on this resource by local communities. In the Regulation 19 Draft Publication Plan, the Council’s preferred scenario for employment land requirements over the Plan period is the Policy-on Labour Demand Scenario. As explained in the 2023 Employment Land Technical Paper, the level of employment growth underpinning this scenario, which seeks to capture the impacts of IAMP on the general employment land market, is high in the context of past trends. The 2023 ELR advises that the IAMP proposals are expected to create significant employment opportunities in the wider supply chain. However, the ELR does caution that the ability to fully take advantage of these opportunities will depend on the ‘ability to offer good quality employment sites, with good access to the strategic road network and in close proximity to the IAMP.’”

3 What is your name?

Name:

Lauren and Nicholas Bagher


4 What is your email address?

Email:




5 Who are you responding as?

Objection to the Local Plan

From Ann West 

Date Sat 3/2/2024 8:04 PM

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

 1 attachments (182 KB)

South-Tyneside-Green-Party-Response-to-Local-Plan-2024.pdf;

<div style="color: black; background-color: #ffff99; background-clip: padding-box; border: 2px solid black; margin: 5px; padding: 5px; font-family: Arial; font-size: 11pt;">*** WARNING - This message has originated from outside the Council. Do not provide any login or password details if requested. Do not click on any links or attachments unless you are sure that the content is safe. If you are unsure about this email or its content forward it to: email.quarantine@southtyneside.gov.uk, clearly stating your concerns in the email </div>
We the below wish to submit an objection to the Local Plan as it stands and as detailed by the attached Green Party objections, which we agree with and heartedly support.

As residents of Cleadon we are already experiencing problems related to a shortfall in the provision of infrastructure such as congested roads, lack of health services, fully subscribed schools, sewage overspill/inadequate sewage works and seasonal flooding.

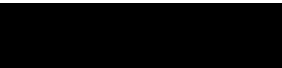
The 204 houses that are to be built on the brownfield/industrial site on Cleadon Lane will stretch these services further without adding the additional proposed housing on the Green Belt.

After attending one of the South Tyneside Council planning proposal meetings it appears the only reason the Council want to release these Green Field sites, is the revenue they will receive, but with no guarantee that the developers will provide the necessary infrastructure to support this increase in housing and local population.

Very little consideration has been placed on the benefits to us all of having green areas to promote wellbeing both from an aesthetic element and the ability to get out into nature for activities such as walking and cycling without having the worries of increased traffic and noise.

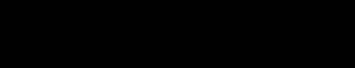
Yours sincerely


Jennie and Ann West


Nicola, David and Megan West


Bev, Jon and Robyn Olds


Joyce and Bill Hills


Hilary, Mammed and Alex Bagher





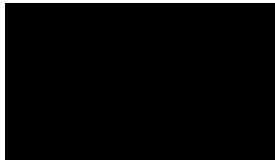
Joanne, Christopher, Jack and Harry West



Andrew Davison



Lauren and Nicholas Bagher

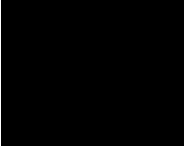


Resident or Member of the General Public

Organisation:

6 What is your postal address?

Address:



South Tyneside Green Party Response to South Tyneside Regulation 19 Draft Local Plan 2024

1. Objection made specifically regarding Policy SP2: Strategy for Sustainable Development

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

This policy must be revised to decrease the number of homes being planned for, in order to meet the requirement to be sound on the basis of being positively prepared, so that it meets the area's objectively assessed needs and is consistent with achieving sustainable development.

In SP2 paragraph 4.9 of the Local Plan it states:

"4.9 To determine the minimum number of homes needed, a local housing need assessment has been conducted using the standard method detailed in the national planning guidance. The standard method uses a formula to identify the minimum number of homes expected to be planned for in a way which addresses projected household growth and any historic under-supply. Using this approach the local housing needs assessment has concluded that for the plan period (1st April 2023 to 31st March 2040) 309 dwellings are required every year. This produces an overall minimum housing requirement of 5,253 new homes over the Plan period. The household projections that inform the housing baseline are the 2014-based household projections. This figure could change upwards or downwards based on new data. South Tyneside's housing requirement will not be 'locked in' until the Plan is submitted to the independent Planning Inspectorate."

The Local Plan is based on inaccurate population projections. Census data show a consistently falling population in South Tyneside, from 157,200 in 1991, to 152,785 in 2001, to 148,127 in 2011, to 147,800 in 2021. Yet the Local Plan assumes a population of 151,936 for 2021, an overestimate of 4,136, and that it would continue to increase over the next 20 years.

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

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

The East Boldon Neighbourhood Forum received the following statement from the Department for Levelling Up, Housing & Communities, written by Alan C Scott, Planning policy adviser on behalf of the Secretary of State:

“In 2018 the Framework introduced a standard method for calculating local housing need to make the process simple, quick and transparent. “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”.

The NPPF paragraph 5 and 6 states:

“5. National policy statements form part of the overall framework of national planning policy, and may be a material consideration in preparing plans and making decisions on planning applications.

6. Other statements of government policy may be material when preparing plans or deciding applications, such as relevant Written Ministerial Statements and endorsed recommendations of the National Infrastructure Commission.”

Michael Jenrick, then Secretary of State for Housing, Communities and Local Government, made a Written Statement 16th December 2020:

“There were many consultation responses which did not fully recognise that the standard method for assessing Local Housing Need does not present a ‘target’ in plan-making, but instead provides a starting point for determining the level of need for housing in an area. It is only after consideration of this, alongside what constraints areas face, such as the Green Belt, and the land that is actually available for development, that the decision on how many homes should be planned for is made.”

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

“Today’s update to the National Planning Policy Framework (NPPF)

It provides clearer protection for the Green Belt, clarity on how future housing supply should be assessed in plans and on the responsibility of urban authorities to play their full part in protecting the character of precious neighbourhoods.

The new NPPF will: facilitate flexibility for local authorities in relation to local housing need; clarify a local lock on any changes to Green Belt boundaries;

The new NPPF makes clear that the outcome of the standard method is an advisory starting point in plan making for establishing the housing requirements for an area.”

The above is supported by guidance in The House of Commons Library published on 27 August 2021 “Calculating housing need in the planning system (England)” which states in 2.4:

“A starting point, not a target? Land constraints and the standard method. The standard method is intended to be the starting point in determining how many homes an LPA can and should deliver, but is not a target. LPAs must also take account (for example) of land constraints, such as the Green Belt.”

<https://commonslibrary.parliament.uk/research-briefings/cbp-9268/>

This means that South Tyneside Council is able to determine its housing requirement and can take into account the restraint of the Green Belt.

2. Objection to development on the Green Belt, made specifically regarding Policies SP3: Spatial Strategy for Sustainable Development and SP7: Urban and Village Sustainable Growth Areas

These policies are not justified by the evidence and the case for exceptional circumstances to amend the Green Belt boundary has not been made.

The Local Plan must be revised to remove the proposed amendment to the Green Belt boundary to allocate additional land for housing and to withdraw all of the sites proposed for removal from the Green Belt: GA1-6 and SP8.

The Green Belt land allocation in the Local Plan is for 2,308 new homes but there is no justification for building on this precious resource. The Green Belt does not need to be built on and therefore the least harm to this resource is no further development at all on the Green Belt and exceptional circumstances have not been established. The Local Plan must be revised in order to meet the requirement to be sound on the basis of being justified, as an appropriate strategy, taking into account the reasonable alternatives and based on proportionate evidence; and on the basis of being consistent with national policy.

In the Local Plan, Policy SP3: Spatial Strategy for Sustainable Development proposes amending the Green Belt boundary to allocate additional land for housing and Policy SP7 Urban and Village Sustainable Growth Areas proposes the removal of sites from the Green Belt and allocation for housing development.

The Local Plan states in Policy SP3: Spatial Strategy for sustainable development:

“To meet the identified needs in Policy SP2 and to facilitate sustainable growth, the Plan will:

- 1. Support the sustainability of existing communities by focusing growth within the Main Urban Area including South Shields, Hebburn and Jarrow*
- 2. 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*
- 3. Encourage the re-use of suitable and viable brownfield land and, where appropriate, encourage higher development densities.*
- 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*
- 5. Create a new sustainable, community within the Fellgate Sustainable Growth Area (Policy SP8) by providing homes and community facilities.*
- 6. Prioritise the regeneration of South Shields Riverside, South Shields Town Centre, Fowler Street Improvement Area, and the Foreshore Improvement Area*
- 7. Prioritise economic development in designated Employment Areas, including the Port of Tyne, that are accessible by a range of transport modes and allocate additional land at Wardley Colliery*
- 8. Enhance and strengthen green infrastructure, ecological networks and Green Belt throughout South Tyneside and between neighbouring authorities.*

The National Planning Policy Framework (NPPF) states:

“140. Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period”

As demonstrated in Objection 1 above, there is no evidence that the housing requirement for the Plan period is at a level requiring development on the Green Belt. The strategic need has not been proven, for example there has been no cooperation with neighbouring local authorities which have Local Plans that intend to cumulatively build in excess of 19,000 houses above their respective ONS 2018 housing projections.

Sunderland Local Plan –	10,755 excess houses by 2033
Gateshead Local Plan –	6,337 excess houses by 2030
North Tyneside Local Plan -	2,238 excess houses by 2032

A planning appeal decision has confirmed the protected status of the Green Belt. This decision reiterates and reinforces the protection from inappropriate development given to the Green Belt in national planning policy.

Broke Hill golf course

In the Broke Hill case in Sevenoaks, Kent, the Inspector confirmed that, where planning policies protect areas of particular importance and provide a clear reason for refusing the development, the so-called “tilted balance” presumption in favour of granting planning permission does not apply.

For Broke Hill, the planning policies in this case related to protection of the Green Belt. This is especially important as Sevenoaks does not have the required five-year supply of housing land nor has it met the government’s housing delivery test for 2021. The inspector noted a number of benefits of the proposed development including provision of affordable housing. However, he concluded that notwithstanding the lack of five-year housing supply, the housing delivery test, and the benefits, this did not outweigh the harm that would be caused to the Green Belt, and were not sufficient to override national and local planning policies protecting the Green Belt. “The tilted balance is not invoked, however, because the Framework at Paragraph 11d(i) and footnote 7 protects both areas and assets of particular importance, which include the Green Belt, and provides a clear reason to dismiss the appeal.” Stephen Wilkinson, Inspector Planning Inspectorate decision Broke Hill golf course 31 January 2022

This case along with ministerial statements demonstrates that the Local Plan fails to be consistent with national planning policy to protect the Green Belt, as specified in paragraph 11 of the National Planning Policy Framework.

The Local Plan must be revised to remove the proposed amendment to the Green Belt boundary to allocate additional land for housing and to withdraw all of the sites proposed for removal from the Green Belt.

Furthermore, the Local Plan is not justified because the NPPF states:

“141. Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph, and whether the strategy:

a) makes as much use as possible of suitable brownfield sites and underutilised land;

b) optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum

density standards in town and city centres and other locations well served by public transport; and

c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.”

Regarding paragraph “a”, it has not been proven that all brownfield sites have been considered.

There are underutilised sites such as areas in South Shields town centre where previously developed land is used for car parking rather than housing like the area at the Mill Dam in South Shields, the former Staithes House and surrounding land near the town centre has been cleared for development for decades. The large office building at Harton Quay was leased by BT Group until last year but BT Group then closed its office and redeployed its 500 staff to other parts of the North East.

These are areas close to South Shields transport interchange and so would satisfy paragraph “b” the need to promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport.

The failure to rent out office space also drawn into question the planned 200,000 sq ft of office space in the adjacent Holborn development especially as the Utilitywise office building just down river had to be converted to flats after lying empty for a long period.

Planners overlooked possible brownfield sites across South Tyneside. Questions raised over validity of the reasons for rejection have not been answered. Some examples are the health clinic site near the ambulance station on Boldon Lane, the Pickwick pub in Biddick Hall, the former Methodist church on Bede Burn Road, the former Park Hotel on Lawe Road have not been included in the Local Plan.

Immediately after the Regulation 18 consultation in 2022, planning permission was given for 446 houses on the former Hawthorn Leslie shipyard that had lain redundant for several years. This was not included in the Regulation 18 Draft Plan. A similar situation exists at the former Rohm and Hass brownfield site near Jarrow town centre that would comply with 141 a) and b). This land if designated for industry could be released for housing as the land designated for employment in the Regulation 19 Local Plan is not justified by the evidence.

A further statement which is insufficient is paragraph 4.31, Sustainable Urban and Village Extensions:

“The Council has undertaken an extensive Green Belt review to identify land which would cause the least harm to the purposes of the Green Belt, that is considered suitable for development, and that could create a new defensible Green Belt boundary. Through this work, the Council has also established the exceptional circumstances to justify amending the Green Belt boundary at each location.

Following consultation on the Plan, the Council will undertake a Green Belt boundary review which will review the entire Green Belt boundary to ensure that it has a strong and defensible boundary as required by the NPPF.”

It has been shown that the Green Belt does not need to be built on and therefore the least harm to this resource is no further development at all on the Green Belt and exceptional circumstances have not been established.

Regarding paragraph “c”, there is no evidence that the aggregated housing assessments of the neighbouring authorities has been compared with the projected population levels of these authorities to show that there will be no overall supply. The simple statement in 4.28 in the Local Plan is insufficient:

“28. Prior to identifying land in the Green Belt the Council has, as part of Duty to Cooperate, discussed whether neighbouring authorities could accommodate additional housing. As set out in the Duty to Cooperate Statement, neighbouring authorities have confirmed that they would be unable to provide land to meet South Tyneside’s needs.”

The duty to cooperate has not been evidenced as required by guidance such as PAS – Doing your duty practice update [doing-your-duty-practice--1a3.pdf \(local.gov.uk\)](https://www.local.gov.uk/doing-your-duty-practice--1a3.pdf)

The recommendations in this have not been followed including number 10:

“10. Plans should reflect joint working and cooperation to address larger than local issues. In many cases, joint studies with other local planning authorities formed part of the evidence used to demonstrate compliance with the duty. Past cooperation put many local planning authorities in a strong position, particularly where this has resulted in the preparation of sub-regional strategies, joint studies or common methodologies on SHMA, Strategic Flood Risk Assessment, economic assessments, Green Infrastructure studies, landscape and renewables assessments, and transport studies.”

This failure is evident in the vast over provision of housing as previously shown and shared infrastructure for example the health and sewage systems between South Tyneside and Sunderland as well as employment at IAMP. This shows that the Plan is not sound.

3. Objection made regarding Sustainability Appraisal Report 2024 – Employment Land and policy SP14: Wardley Colliery

The Sustainability Appraisal Report 2024 notes that the Local Plan has increased the amount of land required for employment from the Draft Regulation 18 Local Plan. It notes that the level of employment growth underpinning this is high in the context of past trends.

This demonstrates that the Regulation 19 Draft Local Plan is not justified by the evidence base; the amount of land for employment allocated for employment is too high and more of this land needs to be utilised for housing development in existing urban areas. The removal from the Green Belt of the Wardley Colliery site in SP14 is not justified.

The Sustainability Appraisal Report states:

“Preferred Options

4.41 Within the Draft Local Plan 2019, the Council took forward the following preferred options for employment land: ■ General Employment Land – Option 2: Policy-on Scenario ■ Port and Marine Land – Option 3: Past Completions (net)

4.42 These options were selected because the Council considered them to have the most positive effects on SA objective 9 (encourage and support economic growth within South Tyneside) and SA objective 10 (increase opportunities for employment and education and improve living standards). The Council’s reasons for this were set out in the 2019 SA Report.

4.43 In the Draft Regulation 18 Local Plan (June 2022) the Council’s preferred scenario for employment land requirements over the Plan period was the Baseline Labour Demand Scenario. The reasons for this were set out in detail in the 2022 Employment Land Technical Paper, which explained that in choosing this scenario the Council was being cognisant of the constraints imposed by the Green Belt and the very high value placed on this resource by local communities.”

And

“4.45 In the Regulation 19 Draft Publication Plan, the Council’s preferred scenario for employment land requirements over the Plan period is the Policy-on Labour Demand Scenario. As explained in the 2023 Employment Land Technical Paper, the level of employment growth underpinning this scenario, which seeks to capture the impacts of IAMP on the general employment land market, is high in the context of past trends. The 2023 ELR advises that the IAMP proposals are expected to create significant employment opportunities in the wider supply chain. However, the ELR does caution that the ability to fully take advantage of these opportunities will depend on the ‘ability to offer good quality employment sites, with good access to the strategic road network and in close proximity to the IAMP’.”

The SAR also notes the negative impact of this preferred option for employment land:

“4.26 However, negative effects were recorded against a number of environmental objectives, reflecting the impact that a high economic growth could have upon the environment due to proximity existing designations, and increased impacts on natural resources, potential impacts on biodiversity and wildlife corridors. This level of growth is also likely to require land from the Green Belt to facilitate the growth aspirations; this objective therefore scored negatively against objective 4 (Green

Belt) and objective 5 (green infrastructure) due to the potential impacts on the Green Infrastructure corridor.”

The Sustainable Appraisal Non-Technical Summary states in the section assessing the Likely Effects of the Local Plan Options:

“Preferred Options

34. In the Draft Regulation 18 Local Plan (June 2022) the Council’s preferred scenario for employment land requirements over the Plan period was the Baseline Labour Demand Scenario. In choosing this scenario the Council had been cognisant of the constraints imposed by the Green Belt and the very high value placed on this resource by local communities. In the Regulation 19 Draft Publication Plan, the Council’s preferred scenario for employment land requirements over the Plan period is the Policy-on Labour Demand Scenario. As explained in the 2023 Employment Land Technical Paper, the level of employment growth underpinning this scenario, which seeks to capture the impacts of IAMP on the general employment land market, is high in the context of past trends. The 2023 ELR advises that the IAMP proposals are expected to create significant employment opportunities in the wider supply chain. However, the ELR does caution that the ability to fully take advantage of these opportunities will depend on the ‘ability to offer good quality employment sites, with good access to the strategic road network and in close proximity to the IAMP’.”

4. Objection made regarding Density Report 2024 and paragraph 8.24 of the Local Plan

The Local Plan is not justified by the evidence as set out in the Density Report 2024 of housing density achieved since the last housing density report in 2018. The Local Plan in paragraph 8.24 sets a lower average housing density than has been achieved which means it is not consistent with the NPPF.

The Density Report 2024 states:

“2.3 Paragraph 125 of the NPPF highlights the importance of avoiding homes being built at low densities, where there is an anticipated shortage of land for meeting identified housing needs. Planning policies should avoid homes being built at low densities and ensure optimal use of land by using minimum density standards. These standards aim to uplift the average density of residential development and the use of these standards should be used in other parts of the plan area. Minimum density standards should also be used in a way which ensures that applications which fail to make efficient use of land be refused.”

It states in the Summary

“4.1 Following the four assessments several conclusions can be drawn with regards to density patterns throughout South Tyneside. Since the previous Density study in 2018:

- *The average density of sites assessed was 66 dwellings per hectare based on net site area. This is an increase of 16 dwellings per hectare since the previous study.*
- *The assessments showed that density declined as site area increased and that sites less than 1 hectare had a density significantly higher than those over 1 hectare. Sites less than 1 hectare had an average density of 82 dwellings per hectare. Sites over 1 hectare had a density of 40 dwellings per hectare.*
- *In general sites with a higher yield had typically lower densities. Sites with less than 50 dwellings had an average density of 50 dwellings per hectare whereas sites with more than 250 dwellings had an average density of 28 dwellings per hectare.*
- *Sites in the urban area of South Shields had the highest densities with an average of 72 dwellings per hectare. This is likely due to the nature of the area and the large proportion of smaller sites.*
- *Compared to the standard density buffers in Policy SC3 of the adopted LDF and the Strategic Housing Land Availability Assessment higher densities were achieved across all three categories. “*

However, the Recommendations for Housing Density which have been utilised by the Regulation 19 Draft Local Plan are lower than the densities which have been achieved. The Density Report states:

“6.1 Housing yield must ultimately be determined by design. However, for the purposes of estimating housing yield as part of the Strategic Housing Land Availability Assessment and Local Plan site selection process the following density calculations are recommended:

- *Average 60 dwellings per hectare on sites within 400m in the Jarrow and Inner South Shields character areas (higher densities may also be appropriate on a site by site basis e.g. by the riverside on sites such as Holborn and Hawthorn Leslie);*
- *Average 55 dwellings per hectare on sites within 400m in the rest of the borough;*
- *Average 45 dwellings per hectare on sites between 400m – 800m in the rest of the borough; and*
- *Average 35 dwellings per hectare on sites beyond 800m in the rest of the borough.*

6.2 These densities will be used to estimate site capacities in the Strategic Housing Land Availability Assessment where other information (e.g. planning applications, information from developers etc.) is not available. Should this information be available it will be used.”

The Density Report 2024 also underestimates the housing densities which have been achieved because two very large urban brownfield sites have been excluded from the assessment:

“3.2 Whilst permission was given to 26 sites during this period only 24 sites will be used in this study. The sites at Leslie Hawthorn and Holborn have been omitted from this study as due to the nature of those sites they present an anomaly in the

densities. These sites have a much higher density as to be viable sites for the developers more dwellings on site were required. These sites have a much higher proportion of flats and apartments than others of this size and location. Therefore, to be able to analyse patterns and trends in the data these 2 sites have been treated as anomalies.”

If these two sites were included in the assessment, the average density achieved would be higher and the discrepancy between this and the recommendations for average density for the Local Plan would be even greater.

5. Objection made specifically regarding Policy 18: Affordable Housing, Policy 19: Housing Mix and Policy 20: Technical Design Standards for New Homes

The Local Plan is not justified and is not consistent with the NPPF in terms of meeting the housing needs identified in the Strategic Housing Market Assessment (SHMA) 2023.

In the section on Housing Allocations the Local Plan states:

“5.4 When allocating sites to meet the housing requirement, the Plan has looked to ensure the right homes are delivered in the right places, taking into account need, demand, deliverability, sustainability and improving choice.”

The SHMA 2023 has identified an annual need for 361 affordable homes each year across the borough which justifies the need for a robust affordable housing policy which will provide mechanisms to help meet this affordable need. Yet the same document states in the Executive Summary:

“It is recommended that the current target for 75% market and 25% affordable is maintained.” And in Paragraph 7.10 states: *“The SHMA would suggest that an overall target of 25% affordable housing should continue to be applied. This will be subject to viability testing before a target can be established for affordable housing in the emerging Local Plan.”*

The proposed proportion of affordable homes in Cleadon and East Boldon is 30%, but as median house prices in this area are £225,000 the accepted definition of affordable being 80% of market value means they will still be unaffordable to the very people requiring this provision.

The NPPF states *“62. Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).”*

Particular needs identified in the SHMA 2023 are:

- *“Increasing and diversifying the supply of specialist housing for older people. There is a need for 3,060 more units of accommodation for older people by 2040 comprising 1,803 C3 units, 885 C2 Extra Care units and 372 C2 Residential care units*
- *Based on an assessment of additional needs and longer-term demographics, a minimum of 5% of new dwellings should be built to M4(3) wheelchair accessible standard; and all other new dwellings should be built to M4(2) accessible and adaptable standard.”*

However the Local Plan fails to implement these recommendations in full as Policy 20: Technical Design Standards for New Homes states:

*“1. To meet the needs of older people and people with disabilities, a minimum of 5% of new build housing in developments of 50 homes or more shall be built to Building Regulations Requirement M4(3) (wheelchair user dwellings).
2. All residential dwellings shall be designed to be built to meet Building Regulations Requirement M4(2): (Accessible and adaptable dwellings) except where it can be demonstrated that this is impractical or unviable due to site specific constraints.”*

Policy 20 introduces a condition that this target for wheelchair user dwellings (ie Building Regulations Requirement M4(3)) will only apply in housing developments of 50 homes or more. This means that the Local Plan is not justified by the evidence of the need for these type of homes.

6. Support for Policy 16: Houses in Multiple Occupation

We welcome Policy 16 Houses in Multiple Occupation (HMO) as this is justified by the evidence of clustering of HMOs in particular areas of the borough and the need for further measures in paragraph 2 of the policy for the Lawe Top Article 4 Direction area.

7. Objection made specifically regarding Policy 1 Promoting Healthy Communities and Policy 2 Air Quality; and SP5: Former Brinkburn Comprehensive School and SP6: Former Chuter Ede Education Centre

The Local Plan is not justified because these policies will not ensure the Strategic Objectives for Promoting Healthy Communities will be achieved; and these policies are not consistent with national policy.

The Local Plan proposes the development of several vital community open spaces, for example the playing field land at Chuter Ede and Brinkburn School, despite stating in Policy 1:

“The Council and its partners, including the NHS, will seek to improve the health, wellbeing and quality of life of South Tyneside residents, reduce health inequalities, and to help people live longer and healthier lives. This will be achieved by:

1. Supporting new development which: i. Increases opportunities for physical activity and active travel through the provision of good quality sport and recreation facilities and safe and accessible walking, cycling and public transport networks.”

and

“iii. Enhances the green and blue infrastructure network and supports climate change mitigation and adaptation.”

These community open spaces must be protected and removed from the Local Plan as sites for development. The importance of these community open spaces is recognised in NPPF paragraph 98, 20-23, 26 and 92.

Building on playing fields for example at Chuter Ede has the exact opposite effect to the objective, increasing the local population while removing green space playing fields that are used for exercise.

There is little in the Local Plan that would fulfil the Strategic Objectives for Promoting Healthy Communities. In fact, some parts of the plan make the situation worse including the proposed development in areas that will promote car use such as in Cleadon, East Boldon and Whitburn. These developments will typically have two cars per household, adding potentially thousands of car journeys on an already congested road system. This will have a detrimental effect road safety and on the local environment due to noise and exhaust emissions. Some areas have air pollution levels already in excess of the World Health Organisation recommended maximums. These vehicle journeys will only make this more dangerous as there are no safe levels for these pollutants.

The Local Plan states in paragraph 6.14: *“The importance of good air quality is recognised by the World Health Organisation which produced a series of standards that have been adopted by the European Commission and subsequently the UK”.*

A Local Authority recognising this will be aware that the World Health Organisation (WHO) air quality standards were revised in 2021 and the recommended pollutant levels, to be achieved, were revised down by a considerable amount. NOTE: These are not safe levels as scientists do not consider any amount to be safe. It is inconceivable that the UK national standards will not be reduced to reflect these changes.

In the Local Plan, Policy 2: Air Quality states *“2. Where significant air quality impacts are likely to be generated by the development, an appropriate air quality assessment will be required”.* Due to the changes in WHO levels it is reasonable to predict large areas of the Borough will exceed these and the proposed developments in Policy SP7: Urban and Village Sustainable Growth Areas in particular will result in unsafe air pollution.

The council has a duty as far as reasonably practicable to ensure the health and safety of its residents. Given the above, the Local Plan must be revised to take into consideration the results of the proposed developments on air quality and specified measures that would reduce pollution levels to the minimum possible.

NPPF states in 186: “Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications.”

The Local Plan has failed to identify these opportunities adequately and therefore is not consistent with the NPPF and this demonstrates that the Local Plan is not sound.

NPPF states: “31. The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned...”

The revised WHO air pollution levels are relevant and up-to-date and should be a material consideration.

8. Objection made specifically regarding Section 7: Meeting the Challenge of Climate Change, Flooding and Coastal Change

The Local Plan is not sound because it is not compliant with the Climate Change Act 2008 and Planning and Compulsory Purchase Act 2004 (as amended) duties or consistent with NPPF guidance – carbon accounting and climate mitigation.

The increased carbon emissions from the development proposed in the Local Plan will add to South Tyneside’s carbon footprint and add to the climate change emergency.

National legislation and guidance strongly stress the central role of the planning system in securing radical reductions in greenhouse gas emissions and require Local Plans to:

The policies should aim to secure radical carbon reductions in line with a trajectory for the authority area that is consistent with the UK achieving full carbon neutrality by 2050, and in the short term should test the policy options available to achieve the highest level of ambition possible to meet this goal.

As far as possible, all new development should be zero carbon given that the country's net zero target must be met in the next 30 years. A good example from another area is Reading Council: *"The council's 2019 Local Plan requires that all new residential developments of ten or more homes are built to zero carbon standards if possible."* Zero carbon is an achievable standard.

Adoption of this strategy aligns with the councils own stated aims of the Economic Recovery Plan 2020 to *Catalyse green and sustainable growth by maximising the potential of our low-carbon and digital assets and expertise.*

With regards to Policy 15 much is to be welcomed. 15.1 states *Improve the condition of existing homes by enhancing energy efficiency and reducing carbon emissions in existing buildings* And 15.4 *Facilitate improvements to properties that have traditionally suffered from poor management and under-investment*

However, currently demolition is placed far too highly as an option for the current housing stock. Refitting and retrofitting is by far the less carbon intensive approach so demolition must be de-prioritised.

The Local Plan must be revised in order to bring it into compliance with legislative and policy requirements around climate change and the councils stated ambitions.

9. Objection made specifically regarding Policy 6: Renewables and Low Carbon Energy Generation

The Local Plan is not sound because this policy is not consistent with national policy.

NPPF 156 states: *"Local planning authorities should support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning."*

We welcome Policy 6 paragraph 2 supporting the inclusion of renewable energy into developments, but the text is not strong enough, and once again, will not change business as usual development approaches. A requirement to include and maximise on-site renewable energy generation needs to be folded into an overall green house gas emissions policy, as seen in the London Plan, policy S12¹.

We welcome Policy 6 paragraph 4, the inclusion of policies requiring development to connect to district heating networks, however this policy needs to be made significantly stronger. The best example of which we are aware is draft policy SI13 of the draft London Plan. As the whole of South Tyneside is located over disused mine-

¹ London Plan – policy S12 - www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/draft-new-london-plan/chapter-9-sustainable-infrastructure/policy-si2-minimising#r-SI2

workings more heating schemes like the “Hebburn Minewater Project” should be invested in for housing schemes.

10. Objection made specifically regarding Policy 10 Disposal of Foul Water and Policy 11 Protecting Water Quality

The Local Plan is not justified because these policies are not able to ensure the Objectives for Protecting Water Quality will be achieved; and is not consistent with national policy.

The Local Plan does not refer to the current significant level of sewage pollution in South Tyneside. Population levels have increased considerably in the UK since Victorian times yet we are still using combined sewers that were constructed in the 19th century. If more housing development is permitted, especially on green spaces, more pressure will be exerted on an already failing sewage system. However, in the consultation on the Draft Local Plan, South Tyneside Council confirmed that no extra sewage will be added to the existing infrastructure on the recommendations of Northumbrian Water who have assured them the existing system will cope.

NPPF states “20. *Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for: ...*
b) infrastructure for ...wastewater”

NPPF states: “185. *Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.*”

The Environmental Permitting Regulations 2016 Permits to discharge untreated sewage from Combined Sewer Overflows into watercourses during heavy rainfall are issued to water companies and regulated by the Environment Agency. There is growing evidence to show that these permits are being abused. Sewage is regularly discharged into South Tyneside watercourses in moderate rainfall. This is due to a lack of capacity at the sewage treatment works caused by a lack of investment and contravenes environmental law.

The Environment Agency (EA) has been required to install Event Duration Monitors (EDMs) in all Combined Sewer Overflows (CSOs). These record the number of discharges and the duration of the discharges. The Whitburn system remains in

breach of environmental law as of March 2021, but the EA want to wait 10 years to 'assess' the system.

The data supplied by the authorities needs to be treated with caution. In March 2020 the EA issued an apology after their published sewage discharge records for Whitburn for 2019 were challenged. They were forced to increase the volume of CSO discharges for Whitburn by 10% from 683,676 cubic metres to 760,993.5 cubic metres. In March 2021 Northumbrian Water issued an apology after their published untreated sewage discharge records for Hendon Sewage treatment works for 2019 were challenged. They were forced to increase their published hours of untreated discharges in 2019 from Hendon Sewage Treatment works by 4,000% from 15 hours 52 mins to 646 hours.

Sewage pollution is a contributor to climate change. Seagrasses can absorb more carbon up to 40 times faster than terrestrial forests and these ecosystems become sources of CO2 emissions when they are degraded or destroyed. A major driver of seagrass decline is nutrient pollution from sewage. A study has shown that 90% of the seagrass meadows in the UK have been lost to pollution. Locally, the seagrass meadows in the River Tyne estuary have been devastated by sewage flowing from nearby Combined Sewer Overflows.

Sewage pollution causes harm to public health. Recent epidemiological studies show a close relationship between contact with polluted waters and the incidence of gastro-intestinal, eye, ear, nose and throat infections or irritations and respiratory symptoms. This is a recognised problem for surfers, kite surfers, windsurfers, sailors, kayakers and wild swimmers. Even the dog walkers, joggers and walkers who all enjoy the access to South Tyneside's riverside and beaches throughout the year are at risk from sewage pollution.

Public Health is a material planning consideration. Local authorities have important and wide-ranging public health functions, for example under the Public Health (Control of Disease) Act 1984. This legislation adopts an 'all-hazards' approach and provides South Tyneside Council with the necessary powers to control human health risks arising from infection or contamination of any form including chemicals and radiation. Statutory duties for public health were conferred on local authorities by the Health and Social Care Act 2012. Local authorities (and directors of public health acting on their behalf) now have a critical role in protecting the health of their population, both in terms of helping to prevent threats arising and in ensuring appropriate responses when things do go wrong.

Health considerations are capable of being material planning considerations. This is recognised in the NPPF which includes the following statement at paragraph 92: *"Planning policies and decisions should aim to achieve healthy, inclusive and safe places."*

The health implications of exposure to the levels of sewage pollution regularly discharged into the River Tyne and on to the beaches of South Tyneside must be a material planning consideration with respect to future developments as, without an improvement in sewage treatment capacity, more development will bring about an inevitable increase in sewage pollution.

Response drafted by South Tyneside Green Party February 2024

Response ID ANON-KS7E-7C18-W

Submitted to Habitat Regulations Assessment 2024

Submitted on 2024-03-02 15:23:06

Introduction

1 Do you have any comments relation to the HRA?

Comments:

The loss of Greenbelt will damage wildlife in the area, including protected species.

It will reduce the ability to grow crops and destroy the livelihood of the farmer.

There will be increased pollution levels noise, air quality and light pollution.

The traffic consultation was completed during Covid when there was little traffic around, there will be considerable more traffic and congestion at all the roads due to this .

2016 the land was deemed unsuitable for building due to destruction of the Greenbelt. Now 7 years later its is deemed suitable.? However Boldon Cleadon and Whitburn Greenbelt land is not considered suitable.?

2 What is your name?

Name:

Stephen Kingdon

3 What is your email address?

Email:

[REDACTED]

4 What is your postal address?

Address:

[REDACTED]

5 What is your organisation?

Myself

Objections to loss of Greenbelt land Fellgate.

Sat 3/2/2024 4:10 PM

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

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

Good day.

I am a resident of Fellgate estate Jarrow.

Please be advised of the following

I think the plan is not legally compliant or sound and raise the following points:

A:The lack of accessible information, the website has faulty links and unable to access from South Tyneside hubs, no hard copies available missing documents.

B: Repeated requests for extensions refused despite all of the access to relevant information issues.

C: In the 2016 plan the Fellgate Greenbelt was deemed not suitable for development so what has changed?

Cleadon, Whitburn and Boldon are not considered in this plan.

D: The impact of local habitats farm birds migrated from other areas flora and fauna, a lack of environmental survey.

E: The impact of a sustainable public transport which is unable to cope with demand.

F: The impact on the health of local population as a result of the increased traffic and emissions by the removal of Greenbelt which reduces existing impacts.

G: The impact of the local road infrastructure which is unable to cope with existing demand . Frequent grid locks across the proposed access to a new estate.

H: Considerstion of the access routes for emergency services through gridlocked roads.

I: The impact on secondary school provision across Jarrow and Hebburn, with the schools at full capacity at present.

J:The impact of GP and dental access, current surgeries are over capacity with insufficient GPs available.

Thankyou and regards

Steve Kingdon

[Sent from Yahoo Mail for iPad](#)

Fellgate Sustainable Growth Area **LP2056 - Janice Lupton**

Jan Lupton <[REDACTED]>

Sun 3/3/2024 8:10 PM

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

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

Regulation 19 Local Plan Consultation Representation

Paragraph Local Plan
Policy SP8 Fellgate Sustainable Growth Area

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

New Homes Requirement

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

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

Requirement Connected to New Jobs

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

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

At this point there are many plots not allocated, nor are there signs of additional significant building works; as stated in document LSH 2 Employment Area Assessment. Phase 1 "Some infrastructure completed. Phase 2 "Requires Infrastructure", the overall number of totally new jobs created and therefore needing housing could be questioned and the new SNOP factory on the site only created an additional 100 roles, and the people working in existing businesses presumably have homes! The first completed building which is recorded as "The Innovation Centre" completed in 2019 remains empty having been used for CV-19 purposes and as a result the planned tenant took a site across the road next to Nissan.

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

recorded in the evidence provided in the Local Plan Policy 51 Traffic Assessment.

Based on this analysis SP8 is NOT sound

Sustainable Development

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

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

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

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

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

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

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

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

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

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

Transport Infrastructure

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

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

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

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

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

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

Based on this analysis SP8 is NOT Sound.

Habitat & Biodiversity

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

•

The site is a Green Belt.

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

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

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

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

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

Based on this assessment the current Proposal NOT Sound.

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

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

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

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

Based on this assessment the current Proposal NOT Sound.

Flood Risk

On page 7 of the Policy SP8: Fellgate Sustainable Growth Area, ix it talks about the urban drainage systems.

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

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

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

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

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

Communication

Having attended community meetings on the subject of the local plan I also find the council via its planning department have been seriously lacking in its communication with residents around the plan, to the point of being almost misleading. Documents have not been made available on request at council offices despite claims to the contrary. Access to the "Have Your Say" platform has been intermittent to say the least via local hubs for residents without computers and representatives at meetings have been ill informed and unable to answer questions, even to the point of stating they were not aware of flooding problems historically on Fellgate!

Despite these difficulties being reported to and accepted by the council on several occasions the council refused to extend the deadline for submissions on this matter.

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

Regards

Janice Lupton

Email: [REDACTED]

Tel [REDACTED]



From: Jan Lupton [REDACTED]
Sent: 03 March 2024 20:10
To: Local Plan
Subject: Fellgate Sustainable Growth Area

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

Regulation 19 Local Plan Consultation Representation

Paragraph Local Plan
Policy SP8 Fellgate Sustainable Growth Area

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

New Homes Requirement

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

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

Requirement Connected to New Jobs

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

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

At this point there are many plots not allocated, nor are there signs of additional significant building works; as stated in document LSH 2 Employment Area Assessment. Phase 1 "Some infrastructure completed. Phase 2 "Requires Infrastructure", the overall number of totally new jobs created and therefore needing housing could be questioned and the new SNOP factory on the site only created an additional 100 roles, and the people working in existing businesses presumably have homes! The first completed building which is recorded as "The Innovation Centre" completed in 2019 remains empty having been used for CV-19 purposes and as a result the planned tenant took a site across the road next to Nissan.

As South Tyneside Council are a partner in the IAMP venture one can only assume that the building of homes on the land south of Fellgate may attract business to the Fellgate area. This cannot be proven and there is no evidence of (IAMP) being achievable within the timescales of South Tyneside's Local Plan. I have previously noted that the IAMP is within Sunderland local authority

area, no evidence can be found on any direct public transport links from Fellgate to the IAMP site. until this is assessed and documented, it has to be assumed that anyone living in the proposed new homes and who may work at IAMP would use their own transport, likely to be a car. This being the case then the assumption is not recorded in the evidence provided in the Local Plan Policy 51 Traffic Assessment.

Based on this analysis SP8 is NOT sound

Sustainable Development

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

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

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

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

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

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

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

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

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

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

Transport Infrastructure

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

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

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

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

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

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

Based on this analysis SP8 is NOT Sound.

Habitat & Biodiversity

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

•
The site is a Green Belt.

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

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

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

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

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

Based on this assessment the current Proposal NOT Sound.

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

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

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

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

Based on this assessment the current Proposal NOT Sound.

Flood Risk

On page 7 of the Policy SP8: Fellgate Sustainable Growth Area, ix it talks about the urban drainage systems.

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

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

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

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

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

Communication

Having attended community meetings on the subject of the local plan I also find the council via its planning department have been seriously lacking in its communication with residents around the plan, to the point of being almost misleading. Documents have not been made available on request at council offices despite claims to the contrary. Access to the "Have Your Say" platform has been intermittent to say the least via local hubs for residents without computers and representatives at meetings have been ill informed and unable to answer questions, even to the point of stating they were not aware of flooding problems historically on Fellgate!

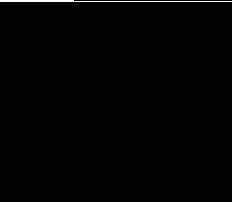
Despite these difficulties being reported to and accepted by the council on several occasions the council refused to extend the deadline for submissions on this matter.

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

Regards

Janice Lupton

Email: [REDACTED]



From: Ken Lupton [REDACTED]
Sent: 03 March 2024 20:02
To: Local Plan
Subject: Fellgate Green Belt Development

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

Regulation 19 Local Plan Consultation Representation

Paragraph Local Plan
Policy SP8 Fellgate Sustainable Growth Area

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

New Homes Requirement

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

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

Requirement Connected to New Jobs

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

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

At this point there are many plots not allocated, nor are there signs of additional significant building works; as stated in document LSH 2 Employment Area Assessment. Phase 1 "Some infrastructure completed. Phase 2 "Requires Infrastructure", the overall number of totally new jobs created and therefore needing housing could be questioned and the new SNOP factory on the site only created an additional 100 roles, and the people working in existing businesses presumably have homes! The first completed building which is recorded as "The Innovation Centre" completed in 2019 remains empty having been used for CV-19 purposes and as a result the planned tenant took a site across the road next to Nissan.

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

transport, likely to be a car. This being the case then the assumption is not recorded in the evidence provided in the Local Plan Policy 51 Traffic Assessment.

Based on this analysis SP8 is NOT sound

Sustainable Development

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

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

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

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

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

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

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

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

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

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

Transport Infrastructure

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

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

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

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

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

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

Based on this analysis SP8 is NOT Sound.

Habitat & Biodiversity

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

The site is a Green Belt.

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

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

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

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

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

Based on this assessment the current Proposal NOT Sound.

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

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

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

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

Based on this assessment the current Proposal NOT Sound.

Flood Risk

On page 7 of the Policy SP8: Fellgate Sustainable Growth Area, ix it talks about the urban drainage systems.

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

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

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

No evidence can be found on the impact on the biodiversity, the wildlife, the Great Crested Newt Pond, and Wildlife corridor which

traverse these burns. This in its self will have a negative effect towards the climate change objectives already stated by the council
Based on this assessment the current Proposal NOT Sound and may be illegal.

Communication

Having attended community meetings on the subject of the local plan I also find the council via its planning department have been seriously lacking in its communication with residents around the plan, to the point of being almost misleading. Documents have not been made available on request at council offices despite claims to the contrary. Access to the "Have Your Say" platform has been intermittent to say the lease via local hubs for residents without computers and representatives at meetings have been ill informed and unable to answer questions, even to the point of stating they were not aware of flooding problems historically on Fellgate!

Despite these difficulties being reported to and accepted by the council on several occasions the council refused to extend the deadline for submissions on this matter.

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

Regards

Kenneth Lupton


Email: [REDACTED]

[REDACTED]

Local Plan (Regulation 19 Publication draft) Representation - Mrs J Alderslade

[REDACTED]
Sun 3/3/2024 1:57 PM

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

 2 attachments (1,019 KB)

Letter to STC re plan 2024.docx; Interactive_Local_Plan_Consultation_Form.pdf;

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

Dear Sir/Madam,

Please find attached a consultation Form and a letter regarding the above Local Plan consultation.

Yours sincerely
Janice Alderslade

[REDACTED]



Regulation 19 Local Plan Consultation Representation Form

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

Data Protection and Freedom of Information

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

This form has two parts:

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

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

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

Part A: Your Details

	Personal Details*	Agent’s Details (if applicable)
Title	Mrs	
First Name	Janice	
Last Name	Alderslade	
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	SP3,SP8
Policies Map	

Section 2: Legal Compliance & Duty to Cooperate

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

Section 3: Details of Representation

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

I wish to object to the soundness of the local plan, with specific relation to the development of the greenbelt land through Policies SP3: Spatial Strategy for Sustainable Development and SP8: Fellgate Sustainable Growth Area.

See attached information for further details.

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.*

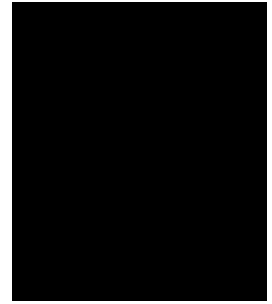
The necessary change to make the Local Plan Sound would require the removal of the proposed Fellgate Sustainable Growth Area.

(Continue on a separate sheet if necessary)

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

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

Mr & Mrs G Alderslade



3 March 2024

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

By Email to: local.plan@southtyneside.gov.uk

Dear Sir/Madam,

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

I disagree with the removal of the Green belt South of Fellgate which has been put forward in the *Fellgate Sustainable Growth Area Supplementary Planning Document Scoping Report (2024)* and proposes, initially, to allow the development of 1200 properties:

This plan is not sound;

- having disregarded the Governments advice on using Brown Field sites for housing before removing Green belt. It is even more critical since the Government on 13 February 2024 announced that Councils need to prioritise Brownfield developments.
- Brownfield sites previously put forward for housing development in the previous plan of 2022, 2018 and in 2016 have been removed, such as the derelict old army camp in East Boldon. Apparently the Brownfield sites, as stated in one of the STC presentations, are not desirable to developers due to the costs of “cleaning the sites” before they can start building. Whereas prime farmland within the Greenbelt is clean and cheap to build on.
- The Habitat regulation assessment was only published on 3 January 2024 AFTER the plan was approved by South Tyneside Council (STC) and made public. No-one has approached us (tenants on

West Fellgate Farm) or asked permission to investigate the wildlife on the farm. The farm is home to many endangered and red list protected birds including: Lapwings, Linnets, Cuckoos, Tree Sparrows, Turtle Doves, Curlews, Grey partridge and Skylarks. There are bats and water voles also endangered and protected.

- There has been a lack of accessible information as STC website has had faulty links, particularly with the Habitat report, links to other documents were also faulty. STC internet was unavailable for a time reducing people's consultation time. People who require to use STC Hubs have been unable to do so due to STCs own firewall preventing them connecting to their own website. No hard copies of the Representation Form were available when requested due to the internet fault and repeated requests for extensions to the consultation period were refused.
- Only one week extension was allowed after the Green party requested this as their ward did not have a presentation by STC.
- There is no evidence that STC have consulted or cooperated with neighbouring Councils to try and offset housing development before the Green belt is removed.
- The normal run of events is to collect evidence, from which a strategy emerges leading to selection of location. It appears the process has been reversed to make the proposed land to fit the Plan .
- Due to lack of consistency and objectivity in the sustainability appraisals of the various sites, some changing over time: the wildlife category for Fellgate has been reduced from Red to Amber since the 2016 proposed plan although it is part of the wildlife corridor, and next to a local nature reserve. Farm land which was previously classified as Amber which borders the A19 has conveniently now been classified as Red.
- The removal of the Green belt disrupts wildlife corridors and fragments habitats such as the pond area which goes against the Lawton Principles of bigger, better and more joined up.
- As per Policy 40: Agricultural land, see an extract out of the draft Local Plan:
 - "1. Development proposals will be expected to demonstrate that they avoid the best and most versatile agricultural land (grade 1, 2, 3a). Development of best and most versatile agricultural land will be supported where:
 - There are no suitable alternative sites on previously developed or lower quality land
 - The need for the development clearly outweighs the need to protect such land in the long term.
 - 2. The positive use of agricultural land for farming and agri- environmental schemes will be encouraged. The use of agricultural land shall seek to protect soil quality, minimise soil erosion, retain landscape "
 - West Fellgate Farm which is a successful working farm is contained within the Green Belt and has grade 3 agricultural land classification. The removal of the Greenbelt will totally remove/destroy the farm and a successful business which has been family run for 5 generations. The Farm produces high yielding crops such as wheat, barley, oil seed rape and beans. It also supplies good quality hay, haylage and straw to livery yards and farms within the locality. Farming practises are sustainable and promote the Governments Green policies of reducing the effects of climate change; Crops are direct drilled reducing carbon emissions. Digestate is the major fertiliser used on the farm and this is made from recycled food waste produced locally.
 - West Fellgate farm provides livery for over 50 horses. These are owned and cared for by local residents. The farm acts as a leisure hub to those in the community allowing horses and owners all year round sporting activity, which contributes to the fitness, mental health and wellbeing of the individuals. The loss of the green belt will remove this leisure facility.

- Local roads and public transport are already overstretched and congested. They can't take much more and certainly not from 1,200+ houses with the potential of 2-3 cars per new household. Roads need considerable improvements to overcome current capacity. Currently we have major issues with traffic congestion and grid lock on the A194 which leads up to the White Mare Pool roundabout. Traffic from Mill Lane is gridlocked during peak periods and poses significant problems currently for emergency services (Tri-Station at Hebburn) accessing Fellgate Estate. The Traffic survey data used as evidence by STC is from a period just after the Covid Pandemic (2021) when traffic was light and not as congested as now.

There is No indication that the required infrastructure will be delivered early in the site development, even though this will be an essential element of the proposed building of 1200+ houses on this site.

- STC have indicated that the access to the new estate would be via the Mill Lane Roundabout and also via Durham Drive on Fellgate Estate. Without a doubt the congestion will impact on Fellgate Estate as cars will cut through the Hedworth estate via Durham Drive to try and access the A19. The increased level of congestion will have impact on people's health particularly those who suffer from asthma.
- The council think that residents will use the metro system and public buses thus alleviating traffic congestion. There is no evidence that they have consulted with the Metro/Bus companies. At a consultation event the planners stated that this will be done once approval is given to remove the Greenbelt.
- as part of the proposals the council want a school built on the site but the current schools are under utilised so why is one needed?
- GP surgeries are mentioned in the scoping plan but how easy is it to get this organised knowing the state of the NHS and problems with obtaining and retaining GPs.
- The development will cover over 100 acres of greenfields. This is inconsistent with the climate emergency agenda. There is a general lack of evidence regarding the resulting impact on the environment.
- With the removal of the green fields at Fellgate there will be excessive water run-off into Monkton Burn and Calf Close Burn causing major issues with flooding on the existing Fellgate and Hedworth estates. Fellgate has consistently experienced flooding and even though there has been flood retention ponds built there is no guarantee that they will be adequate in future years due to climate change. Even this year the Burn has flooded numerous times on West Fellgate Farm and it's noted that the increase coincides with the building of the new Monkton Gardens estate.

I reiterate the plan is not sound and that the modification to the plan is the removal of the Fellgate Sustainable Growth Area.

Yours sincerley

Janice Alderslade

Email: [REDACTED]

Local Plan - Objection to proposed Fellgate Sustainable Growth Area

Andy Ritchie [REDACTED]

Sun 3/3/2024 1:27 PM

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

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

I would like to propose my objection to the proposed Fellgate Sustainable Growth Area for the following reasons:

Habitat

In 2016 South Tyneside Council deemed the Greenbelt land to the South of Fellgate as not suitable for development! What has changed, certainly not the land or activities that happen on it.

The council now seem to be content with the loss of green belt and the damage to wildlife in the area which included farmland birds, foxes, rabbits, Hares, voles and Newts.

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

Key Designations / allocation of the land

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

Adjacent Designations / Allocations:

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

Greenbelt (High Impact)

- It is considered that developing this site would have a high impact upon the green belt in an important and sensitive location between Gateshead and South Tyneside.

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

Landscape & Townscape (High Impact)

The Landscape Character Study (2012) identifies the site within the Boldon Fell landscape area which is considered predominantly open with long range views. The study recommends that linear links between sites of habitat value should be created and promoted, and the areas open aspect and views should be retained. The site is within a wide-open space corridor which provides wide ranging views of the surrounding landscape and countryside. It is considered that developing this site would have a high impact and significant mitigation would be required. The land is Grade 2 or 3A agricultural Land.

Biodiversity (high Impact)

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

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

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

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

Infrastructure & Services (High Impact)

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

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

It is isolated from services and is of a scale that would put significant pressure on local capacity such as green infrastructure and education and community facilities. Significant infrastructure investment and mitigation would be required due to the scale of potential development.

Suitability and Conclusion

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

What has changed since 2016?

Where is the funding for infrastructure changes to come from?

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

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

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

Wildlife has already been displaced to this green belt land from the IAMP site, where would they go next?

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

This is a working farm one of the few left in the borough which has been farmed by the same family for 5 generations. The council is stripping them of their career, livelihood and future!

How are a School, GP Practice and shops going to be created, funded, staffed, and when? Are these to be developed first and stood virtually dormant for years until sufficient houses are built?

Lastly the planners attending meetings seemed oblivious to any flooding issues, clearly not living nearby, or having done any research. The proposal to dump rainwater from houses into two small burns and make it the flooding issue of Mill Dean, and other areas further downstream including a wildlife reserve is ill thought. Given the change in climate to wetter weather with higher downpours and the flash floods seen recently, the existing infrastructure cannot cope now, let alone after another 1200 houses.

Is the council going to guarantee the flood avoidance proposals will work, so that residents have a claim when it doesn't?

Regards
Andy Ritchie



From: [REDACTED]
Sent:
To: Local Plan
Subject: Objection re Fellgate green belt being built on.

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

Regulation 19 Local Plan Consultation Representation

Paragraph Local Plan
Policy SP8 Fellgate Sustainable Growth Area

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

New Homes Requirement

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

The basis of the design and calculations on the sustainable community with shops, a primary school and GP practice is NOT SOUND or actually credible. Many of the statistics/informations available to stakeholder residents are out of date, I also understand use of out of date statistics has resulted in the projected housing stock needs being over estimated. The number of homes proposed appears to be based on the 2014 household projections, these have been shown to be an overestimate according to the 2021 Census. Furthermore I have concerns regarding the 'affordability of this housing', how this particular site is planned to target the reported increasing demand for affordable housing in particular for the authorities growing 'older' population and particularly those with additional needs. The local plan makes reference to information being set out in the Adult social care housing strategy however this document is inaccessible, I am yet to locate and read a copy. In particular the adult social care strategy is laid out only until 2026 whereas the local plan relates to 2040. There is an absence of declared information and specific calculations with regards to both and how they correlate with one another. I am significantly concerned as to what will happen beyond 2026 in relation to this plan and that the local authority will identify further accommodation needs for

populations including the boroughs increasing elderly and disabled populations and the current information available does not set out clearly enough to those effected as to how this particular site will aid the local authority in meeting its new homes requirement. From the information I have been able to access I continue to be uncertain as to what it is exactly STC mean my 'affordable' housing stock? What is the breakdown of the housing stock need (361 per year) in real terms - accommodation size/style/purpose/cost etc and how are these particular set of demands going to assisted or met by the fellgate green belt site being built on exactly. The local authority appears to be attempting to push through a vague plan that residents cannot grasp a full understanding of.

Sustainable Development

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

-

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

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

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

-

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

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

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

- "This Government is committed to protecting the Green Belt"
- "Planning policy already includes strong protections to safeguard Green Belt for future generations"
- "The Green Belt is vital for preventing urban sprawl and encroachment on valued countryside"
- "England's cities are already less dense than those of most of our European neighbours"
- "That is environmentally wasteful and economically inefficient"
- "We seek to support the gentle densification of urban areas in preference to the erosion of Green Belt land"
- **"That is why the Government is ensuring it is clear there is generally no requirement on local authorities to review or alter Green Belt boundaries if this would be the only way to meet housing need"**
- "Where a relevant local planning authority chooses to conduct a review, existing national policy will continue to expect that Green Belt boundaries are only altered where exceptional circumstances are fully evidenced and justified, and this should only be through the preparation or updating of plans"

- "The Government is making no changes to the rules that govern what can and cannot be built on land that is Green Belt"
- "We are clarifying in guidance where brownfield development in the Green Belt can occur provided the openness of Green Belt is not harmed"

These statements overall protect Green Belt Land. It can be determined that that the statement: "The Government is ensuring it is clear there is generally no requirement on local authorities to review or alter Green Belt boundaries if this would be the only way to meet housing need" means that there is no targets or requirements on South Tyneside to review or alter Green Belt Boundaries. Based on this analysis and the statement from the government SP8 is NOT Sound.

Habitat & Biodiversity

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

-

The site is a Green Belt.

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

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

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

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

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

Based on this assessment the current Proposal NOT Sound.

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

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

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

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

Based on this assessment the current Proposal NOT Sound.

Flood Risk

On page 7 of the Policy SP8: Fellgate Sustainable Growth Area, it talks about the urban drainage systems.

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

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

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

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

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

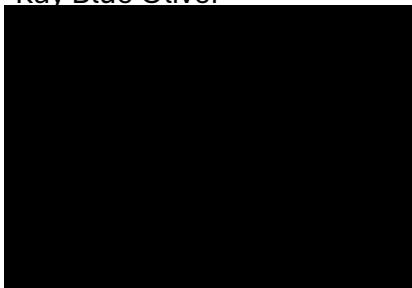
Communication

Information and documents provided in relation to these issues are difficult to access and out of date. As noted earlier documents redirect to other documents that can then not be easily located and considered fully.

I am aware that access to the "Have Your Say" platform has been intermittent to via local hubs for residents without computers and representatives at meetings have been ill informed and unable to answer questions, even to the point of stating they were not aware of basic issue such as flooding problems.

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

Kay Blue Oliver



Response ID ANON-TJBH-TD7Y-G

Submitted to South Tyneside Publication Draft Local Plan 2023-2040

Submitted on 2024-03-03 20:04:50

Chapter 1: Introduction

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

Support or Object - Legally Compliant:

No

Support or Object - Sound:

No

Support or Object - Complies with the Duty to Cooperate:

No

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

This Plan is not legally compliant as the Council has failed to discharge its responsibility under 'Tameside Duty' with regard to the Sewage collection and treatment capacity which is a material planning consideration. The role of Northumbrian Water (NWL) is to provide a system of public sewers to ensure effective drainage. The role of the Local Planning Authority (LPA) is to ensure there is sufficient sewage treatment capacity before granting planning permission. The Local Plan is not in compliance with the Urban Waste Water Treatment Regulations 1994 (UWWTR)

The Duty to Co-operate has not been fulfilled as Northumbrian Water Limited (NWL) fails in its role as a sewage undertaker and is not a reliable consultee. The LPA must not rely solely on the advice provided by NWL. NWL is under investigation by Ofwat, the Environment Agency (EA) and the Office for Environmental Protection (OEP) and cannot be regarded as a reliable consultee.

References to the Whitburn Long Sea Outfall as part of the Reg 18 stage have now been removed after representations were made by NWL.

Representations made by STEP and others at Reg 18 stage were largely ignored. This demonstrates undue bias.

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

The Local Plan should include the following:

Planning proposals will not be supported unless it can be shown by rigorous analysis that there is sufficient capacity in the local sewerage system...

The analysis is not onerous, and data can be obtained from NWL, the Local Authority and the Environment agency as follows:

Data from the Monitoring Certification Scheme (MCERTS) of the sewage treatment works.

Local rainfall totals.

The duration and number of spills from Combined Sewer Overflows in the borough measured by Event Duration Monitor (EDM) data.

Analysis of this data will determine both capacity and compliance with the UWWTR.

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

yes

Chapter 2: Context

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

Support or Object - Legally Compliant:

No

Support or Object - Sound:

No

Support or Object - Complies with the Duty to Cooperate:

No

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

This Plan is not 'sound' in terms of Green Belt deletions. South Tyneside Green Belt Study of 2023 and the Green Belt Exceptional Circumstances paper of 2024 failed to establish 'Exceptional Circumstances' for the deletion of six sites in Policy SP7 and the Fellgate Growth Area Policy SP8 and 12 hectares of land at Wardley from the Green Belt in Policy SP14 as its case relies on the statement that there is insufficient Brownfield land within the Borough to meet the objectively assessed need for housing and employment land. These papers do not address the issues relating to harm to the Green Belt the deletion of the sites will cause. They conclude that, because of the lack of suitable sites not in the Green Belt, 'Exceptional Circumstances' have been made out for the deletion of these sites. Furthermore, employment land has been released in the Cleadon and Boldon Ward to build over 200 dwellings, this amounts to building on the Green Belt by default.

The 'Hunston judgment', means that if the constraints in South Tyneside mean that the objectively assessed housing need cannot be met without using Green Belt land, that is a relevant criterion to take into account. The Council have sought to make out that harm resulting from these deletions will be limited and, in view of the housing need, there are "Exceptional circumstances" to justify the deletion, despite the falling population in the area. It has not been considered whether the Green Belt is (or is not) so important in this location that it should not be used at all. The 'Calverton judgement' based on the judgment of the court of Appeal judgment in St Albans City Council v Hunston Properties Ltd [2013] (paragraph 39) states:

"So the mere fact that there is a shortfall does not of itself amount to Very Special (or Exceptional) Circumstances and the scale of the shortfall, its context and the importance of the planning constraints are relevant issues according to this judgment."

This is an important consideration which must be addressed before any site proposed in this Plan is deleted from the Green Belt, as it has not been considered by the Local planning Authority (LPA) in the supporting documentation.

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

Remove all Green Belt deletions and seriously look at alternatives which have been discounted or overlooked.

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

Chapter 3: Spatial Vision and Strategic Objectives

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

Support or Object - Legally Compliant:

No

Support or Object - Sound:

No

Support or Object - Complies with the Duty to Cooperate:

No

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

This Plan is not sound because it fails to meet the objectively assessed needs of the area in terms of housing. It is not a cohesive document as it is full of contradictions and policies which fail to match the outcomes stated. Policies do not reflect the Spatial Vision and Strategic Objectives.

This Plan is not 'sound' in terms of Green Belt deletions. South Tyneside Green Belt Study of 2023 and the Green Belt Exceptional Circumstances paper of 2024 failed to establish 'Exceptional Circumstances' for the deletion of six sites in Policy SP7 and the Fellgate Growth Area Policy SP8 and 12 hectares of land at Wardley from the Green Belt in Policy SP14 as its case relies on the statement that there is insufficient Brownfield land within the Borough to meet the objectively assessed need for housing and employment land. These papers do not address the issues relating to harm to the Green Belt the deletion of the sites will cause. They conclude that, because of the lack of suitable sites not in the Green Belt, 'Exceptional Circumstances' have been made out for the deletion of these sites. Furthermore, employment land has been released in the Cleadon and Boldon Ward to build over 200 dwellings, this amounts to building on the Green Belt by default.

The 'Hunston judgment', means that if the constraints in South Tyneside mean that the objectively assessed housing need cannot be met without using Green Belt land, that is a relevant criterion to take into account. The Council have sought to make out that harm resulting from these deletions will be limited and, in view of the housing need, there are "Exceptional circumstances" to justify the deletion, despite the falling population in the area. It has not been considered whether the Green Belt is (or is not) so important in this location that it should not be used at all. The 'Calverton judgement' based on the judgment of the court of Appeal judgment in St Albans City Council v Hunston Properties Ltd [2013] (paragraph 39) states:

"So the mere fact that there is a shortfall does not of itself amount to Very Special (or Exceptional) Circumstances and the scale of the shortfall, its context and the importance of the planning constraints are relevant issues according to this judgment."

This is an important consideration which must be addressed before any site proposed in this Plan is deleted from the Green Belt, as it has not been considered by the Local planning Authority (LPA) in the supporting documentation.

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

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

Policy SP1: Presumption in favour of Sustainable Development

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

Support or Object - Legally Compliant:

No

Support or Object - Sound:

No

Support or Object - Complies with the Duty to Cooperate:

No

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

Policy SP1: Presumption in Favour of Sustainable Development is not positively prepared as it is not consistent with achieving sustainable development or based on the objectively assessed needs of the area. This policy begins with the statement:

“A positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF) will be applied when considering development proposals.”

The Council has not clarified exactly what it means by a “positive approach”. This needs to be clarified as a ‘positive approach’ needs to reflect the objectively assessed need of the area which includes protecting our most valuable agricultural land, which is disappearing at an alarming rate. Under the heading Spatial Vision and Strategic Objectives this plan states:

By 2040, South Tyneside will be a place:

... where the borough's stunning coastline, natural green spaces, watercourses, countryside and important biodiversity and geodiversity designations will continue to be protected and enhanced to provide good quality environments. Opportunities to enhance our valued green infrastructure network will allow wildlife to thrive and provide spaces where people can live, work, and enjoy spending their time.

Adopting this Plan in its current form will mean that very little green infrastructure will remain by 2040. Policy SP1 fails to deliver the Spatial Vision and Strategic objectives of the Plan, so is not positively prepared as it fails to deliver the aims and objectives set out in this Plan.

The following statement is also cause for concern:

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

This statement suggests that the Council is working for the developer to secure development at the expense of people of South Tyneside. Building on the Green Belt will not “seek to secure development that improves the economic, social, and environmental conditions in the Borough.”

This Policy states:

4.9 “To determine the minimum number of homes needed, a local housing need assessment has been conducted using the standard method detailed in the national planning guidance. The standard method uses a formula to identify the minimum number of homes expected to be planned for in a way which addresses projected household growth and any historic under-supply. Using this approach the local housing needs assessment has concluded that for the plan period (1st April 2023 to 31st March 2040) 309 dwellings are required every year. This produces an overall minimum housing requirement of 5,253 new homes over the Plan period. The household projections that inform the housing baseline are the 2014-based household projections. This figure could change upwards or downwards based on new data. South Tyneside's housing requirement will not be 'locked in' until the Plan is submitted to the independent Planning Inspectorate.”

This policy is not positively prepared or based on robust evidence because it proposes an unsustainable level of growth of housing development that is not consistent with ‘sustainable development’. This is because it is not based on meeting the objectively assessed needs of the area.

Policy SP1 is also not positively prepared as it is not compatible with Policy 2: Air Quality, it ignores the fact that air quality and the reduction of air pollution are significant material planning considerations. The Council also ignores the fact that air pollution has devastating impacts on public health and kills people. There is no safe level of exposure to air pollution. Additional air pollution from the proposed development cannot be mitigated, it must be prevented from happening. Therefore Policy SP1 is not sustainable and needs to be removed or revised so that the adverse impacts of the increased traffic from housing proposed housing developments, particularly on green fields, which currently help to ameliorate these adverse effects, is prevented. In short it is not sustainable to build on Green Belt sites as in so doing it will cause a reduction in air quality across the borough, making Policy SP1 unsustainable. This is further evidence that this Plan does not provide a strategy which meets the objectively assessed needs of the community needs

and is not consistent with achieving sustainable development.

Policy SP1: Presumption in Favour of Sustainable Development is not justified as it is not based on robust evidence.

The statement in this Policy "Planning applications that accord with the policies in the Plan (and, where relevant, with policies in made Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise." is not justified.

This statement is unacceptable and certainly not in favour of sustainable development as the East Boldon Neighbourhood Plan lacks policies on two important material planning considerations, contaminated land and sewage which affects development in the neighbourhood area and is therefore not fit for the purpose for approving any planning decisions, as demonstrated in the Cleadon Lane site Ref: St/1109/21/FUL and Mayflower Glass site ST/0389/22/FUL. This statement needs to be deleted from the policy, as the Council allowed a Neighbourhood Plan to go to Referendum in the full knowledge that the Whitburn sewage system has no capacity to deal with current flows and cannot cope with the extra flows from any of the new development proposed in the East Boldon Forum neighbourhood area. Furthermore, in October 2012 the European Court of Justice (EJC) determined that the Whitburn sewage system was breaching the Urban Waste Water Treatment Directive (UWWTD). This was reviewed in 2020, and it found that despite NWL spending £10 million to improve the system, the European Commission decided that the Whitburn system remained in breach of environmental law. This demonstrates this Plan is not justified as it is not based on appropriate evidence, which the Council need to seek before approving any planning developments feeding into the Whitburn sewage system, under the 'Tameside Duty'.

Policy SP1 is not effective as there is no evidence that the housing requirement for the Plan period is at a level requiring development on the Green Belt. The strategic need has not been proven, for example there has been no cooperation with neighbouring local authorities which have Local Plans that intend to cumulatively build in excess of 19,000 houses above their respective ONS 2018 housing projections:

Sunderland Local Plan – 10,755 excess houses by 2033

Gateshead Local Plan – 6,337 excess houses by 2030

North Tyneside Local Plan - 2,238 excess houses by 2032

This is not effective as the three neighbouring Local Planning Authorities have used either IAMP, Follingsby or both to justify more housing than their objectively assessed housing need.

Policy SP1 is not consistent with national policy for the following reasons:

is not consistent with national policy as the NPPF makes clear that local authorities which trigger this presumption are expected to approve applications for housing unless policies in the Framework protecting areas or assets of particular importance provide a clear reason for refusing the development, or unless any adverse impacts of approving the proposal would significantly and demonstrably outweigh the benefits, when assessed against the Framework's policies taken as a whole. is not consistent with NPPF which makes very clear that Green Belt deletion is a measure of last resort and should be a strategic decision taking into account likely needs beyond the life of a Local Plan.

This Plan makes no reference to the 63 hectares of Green Belt land which has recently been deallocated for the International Advanced Manufacturing Park (IAMP) to be located next to the Nisan site. So the full picture of Green Belt destruction is not revealed in this Plan, this begs the question is it legal? It is vital that agricultural capacity is maintained to deliver the levels of domestic food production. This must be achieved in the context of addressing and adapting to climate change, reversing the loss of nature and meeting increasing demands on land which is in conflict with Policy SP1 'presumption in favour of sustainable development'. Recent research by CPRE the countryside charity states "For the first time in several generations, our food security is at risk"

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

This Plan needs to be withdrawn and revised so it reflects presumption in favour of sustainable development and all of the polices need to match up to establish sustainable development.

Review Green Belt deletions in the light of the objectively assessed needs of the area.

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

Policy SP2: Strategy for Sustainable Development to meet identified needs

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

Support or Object - Legally Compliant:

No

Support or Object - Sound:

No

Support or Object - Complies with the Duty to Cooperate:

No

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

Policy SP2: Strategy for Sustainable Development to meet identified needs is not positively prepared as the Publication version of the Local Plan also fails to show the larger housing allocations in previous drafts of the Local Plan which have now been approved outside the Plan. For example Cleadon Lane Industrial Estate was a "regeneration" site, (RG5) for 245 in the 2019 draft which went out for Regulation 18 Consultation, but withdrawn because it was unsound, this site was approved for development, not as a "regeneration" site but brownfield site in February 2023, this land is highly contaminated. Luke's Lane ST/0882/21/FUL for 127 dwellings, approved on 21st November 2022. This site was allocated for employment land in the 2019 draft of this Plan. Also South Tyneside College site ST/0676/23/FUL for up to 260 dwellings, approved 18th December 2023. The housing numbers are larger than the Council is showing. Furthermore, to meet the identified needs in Policy SP2 and to facilitate sustainable growth, the Plan will need to:

1. Support the sustainability of existing communities by focusing growth within the Main Urban Area including South Shields, Hebburn and Jarrow
2. 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
3. Encourage the re-use of suitable and viable brownfield land and, where appropriate, encourage higher development densities

This has not been taken into account, in the preparation of this Plan. The "sustainability and vitality of the villages of Cleadon, Whitburn and the Boldons" has been ignored as the proposed development does not respect "the distinctive character of each village". Brownfield sites identified in the draft Plan which was put out for Regulation 18 Consultation have been removed and Green Belt sites left in, this makes no sense. A total of 16 brownfield sites in the pre-publication version have been removed. They are:

H8; H16; H17; H19; H20; H21; H22; H23; H24; H28; H30; H33; H36; H37; H38; H39 and RG6 which was recently approved for student accommodation. For this Plan to be positively prepared Policy SP2 must be revised to decrease the number of homes being planned for, in order to meet the requirement to be sound on the basis of being positively prepared, so that it meets the area's objectively assessed needs and is consistent with achieving sustainable development. This Plan cannot be sound with Policy SP2 included for the following reasons:

The plan has not secured the sustainability of the villages as the infrastructure to support the proposed developments does not exist and there are no viable plans to improve the lack of them including.

Lack of school places.

Lack of medical facilities. The area south and East of South Tyneside has been identified in the plan as having insufficient access to medical services. Colliery Court Medical Group has already stopped taking new patients, to safeguard existing patients on its list.

Lack of road capacity which already results in congestion with the associated air pollution and greenhouse gases.

Lack of wastewater capacity that already results in regular sewage discharges into the environment

Risks from flooding. North Farm is in a flood risk zone 2 and 3 and West Hall Farm is a very low lying area where farmland is permanently flooded for long periods and road surface flooding occurs.

The additional developments will have a detrimental impact on the character of the villages and is counter to the purpose of the Green Belt as set out in the NPPF to;

Prevent urban sprawl

Keep land permanently open

Essential characteristics are openness and permanence

Restrict urban sprawl

Prevent neighbouring towns merging

Safeguard the countryside from encroachment

Assist urban regeneration, encouraging recycling derelict & urban land

The car dependent developments will have a detrimental effect on the environment and climate change so must be taken into account to be deemed 'positively prepared'.

This policy is not based on appropriate evidence. Policy SP2 is not justified by the evidence because it proposes an unsustainable level of growth of housing development that does not reflect the recently published 2021 Census data. Furthermore, at least seven secondary schools have been closed in South Tyneside since 1979, due to falling numbers of students, which is evidence that the population of the borough is falling.

Policy SP2 is not effective as this plan is not deliverable in terms of Health and Wellbeing Para 4.6 states "it builds on the Health and Wellbeing Strategy for South Tyneside and its aims to tackle the significant health challenges faced by South Tyneside residents." And that page 37 of the Infrastructure Delivery Plan (IDP) 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 local hospital, ST District Hospital is mentioned only 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 more GPs, more appointments and more hospital beds are needed to deliver this Plan

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 nearly 1,500 homes requiring these services and no plans to increase capacity, residents living in the Villages of Cleadon and East Boldon, where much

of the development is focused, may experience increasing difficulty in obtaining timely and necessary healthcare appointments and treatment.

Policy SP2 is not consistent with National Policy as the infrastructure needed for this Plan fails to comply with NPPF 2

Para 7: "supporting infrastructure in a sustainable manner" is not achieved.

Para 8: Social, economic and environmental objectives set out are not achieved. In Social health care the needs of the community cannot be met by the existing school and health infrastructure set out in the Infrastructure Delivery Plan.

Environmental objectives are not met because most of the Green Belt development in the Villages of Cleadon East Boldon and Whitburn feeds into the Whitburn sewage system, where there is no capacity for current flows. The Council has failed in its statutory duty in the approval of recent developments, to establish capacity in the Whitburn sewage system. Hendon Sewage Treatment Works (STW), which treats the waste water from the Whitburn system, receives over a third of its capacity of foul sewage flows on dry weather days operating beyond its capacity which should be able to deal with 3 x dry weather flow. The Monitoring Certification Scheme (MCERTS) data for 2022 and 2023 confirms the current position of capacity wrt Hendon STW.

Northumbrian Water Limited (NWL) are currently under criminal investigations regarding their performance so any assurances they give to this Council, regarding capacity for more housing, should be regarded with a commensurate level of caution and must be subject to rigorous scrutiny.

Policy SP3: Spatial Strategy for sustainable development is not positively prepared as it fails to meet the objectively assessed needs of the area and is not consistent with supporting sustainable development as the Plan fails to meet any of the needs set out in Policy SP3 These needs are identified as:

"To meet the identified needs in Policy SP2 and to facilitate sustainable growth, the Plan will:

1. Support the sustainability of existing communities by focusing growth within the Main Urban Area including South Shields, Hebburn and Jarrow

Hebburn and Jarrow have been overdeveloped which is not identified in this Plan and there is very little of the housing allocation in the Plan for South Shields. Prime town centre building land is to be used to relocate South Tyneside College at the expense of Westoe Village, which will see a development of up to 260 houses. These developments are not sustainable to the existing communities.

2. 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

The development set out in this plan and the recent development not included in this Plan will destroy rather than respect the individual character of the villages. These villages will merge into one urban sprawl rather than 'distinctive' villages. Policy SP6: Former Chuter Ede Education Centre proposes approximately 70 residential dwellings. This will be on the border with Boldon, thus adding more houses to this area which is not sustainable.

3. Encourage the re-use of suitable and viable brownfield land and, where appropriate, encourage higher development densities.

Brownfield sites have been disregarded in favour of Green Belt sites and no reasonable alternatives identified. These are the same sites which this Council has tried to develop since 1998, suggesting these are the sites which will please the developers, not the community.

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.

The case for amending the Green Belt is not positively prepared or justified, as it is based on misleading evidence. Most of the Green Belt development is in the Villages of Cleadon, Boldon and Whitburn so will feed into the Whitburn sewage system which doesn't have the capacity to take the extra flows. The Council refuse to accept this evidence in favour a claim that NWL have headroom for 25,000 houses with the caveat in dry conditions only, which was provided by way of an unrecorded verbal comment that has not been attributed to any individual and therefore must be regarded as hearsay rather than fact, so this is not justified as it is not based on appropriate evidence. It is not positively prepared as all of the relevant information has not been considered to make a decision on the chosen sites under the 'Tameside Duty'.

5. Create a new sustainable, community within the Fellgate Sustainable Growth Area (Policy SP8) by providing homes and community facilities.

This is one of the Green Belt sites which the Council has been trying to develop for years. In the UDP Green Belt Rejected Sites (published in 'South Tyneside Green Belt and Landscape Background Paper September 2012') the Inspectors Report Summary (1998) for Land at West Fellgate Farm, Laverick Hall Farm and Pool Bank noted:

"6.10 The inspector concluded that as the exceptional circumstances for economic development at the site south of Hedworth were not met, there was even less justification need for this site to be excluded from the Green Belt

6.11 In addition, the Inspector stated that the land provides an important open aspect to the Borough. Development of this site would extend the built up area of the Borough, considerably into the open countryside and would affect a wildlife corridor."

This is not justified as the case for amending the Green Belt is not based on appropriate evidence. The Inspector's findings in 1998 are still relevant, yet they have been continually ignored by the Council, in an attempt to develop this site. It was previously put forward as a 'Garden Village' as reported in this article in the Shields Gazette from 2019:

<https://www.shieldsgazette.com/news/politics/plans-revealed-for-massive-garden-village-development-including-new-3000-homes-and-three-schools-in-south-tyne>

6. Prioritise the regeneration of South Shields Riverside, South Shields Town Centre, Fowler Street Improvement Area, and the Foreshore Improvement Area

Part of the Plan to regenerate South Shields Town Centre is to relocate South Tyneside College. These 160 mature trees will be felled on the existing College site. Policy 36: Protecting Trees, Woodland and Hedgerows states:

(i) Trees, woodland and hedges shall be protected and suitably retained as an integral part of the design of the development.

(ii) Proposals for new development which would result in unacceptable harm due to the loss of trees, woodland and/or hedgerows will not be permitted, unless it can be demonstrated that:

i. An overriding need for development and public benefit clearly outweighs harm to the landscape, ecological value, or the historical importance of the location, or

ii. Development cannot be relocated elsewhere within the development site, or

iii. Suitable mitigation and enhancement measures are provided and agreed with the council.

Paragraph 11:27 of the section Conserving and enhancing the Natural Environment in this Plan states:

“Trees and hedges play an important role in supporting the natural environment and wildlife habitats. They make a significant contribution to mitigating climate change, provide key ecosystem services that protect and enhance the local environment and provide essential green corridors which allow wildlife to travel between key sites. Trees and hedges also add to the character, appearance and distinctiveness of the local area, and their presence can have a significant and positive effect on the local landscape. The significance of trees and hedges may relate to their size, form, and maturity, or because they are rare or unusual.”

These considerations have been ignored in implementing Policy SP3, so this Plan cannot be positively prepared when Policy statements are ignored in Planning decisions.

7. Prioritise economic development in designated Employment Areas, including the Port of Tyne, that are accessible by a range of transport modes and allocate additional land at Wardley Colliery”

The land at Wardley Colliery is Green Belt land. This is not justified as the Council have recently approved Planning Permission for development on two employment sites in Boldon, which is in close proximity to the Wardley site. Also granted planning for housing at Luke's Lane site, virtually opposite the Wardley Site which was designated as Employment/business land in the 2019 draft of this Plan.

8. Enhance and strengthen green infrastructure, ecological networks and Green Belt throughout South Tyneside and between neighbouring authorities.

There is no evidence of cross boundary strategic plans concerning 'green' matters or any statements of common ground concerning green infrastructure in this Plan. So this statement is neither justified nor effective.

This shows that all of the statements in Policy SP3 are not positively prepared, justified or effective.

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

Review the Plan to show all of the recent development included in other versions of the Plan which has been managed and authorised outside of the Plan - to show true picture of development. This Plan is basically a land grab, which is not based on any current information, other than the Economic Recovery Plan - which aims to attract ne people to live in the area - which is aspirational rather than realistic.

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

Policy SP3: Spatial Strategy for Sustainable Development

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

Support or Object - Legally Compliant:

No

Support or Object - Sound:

No

Support or Object - Complies with the Duty to Cooperate:

No

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 SP3: Spatial Strategy for sustainable development is not positively prepared as it fails to meet the objectively assessed needs of the area and is not consistent with supporting sustainable development as the Plan fails to meet any of the needs set out in Policy SP3 These needs are identified as:

“To meet the identified needs in Policy SP2 and to facilitate sustainable growth, the Plan will:

1. Support the sustainability of existing communities by focusing growth within the Main Urban Area including South Shields, Hebburn and Jarrow

Hebburn and Jarrow have been overdeveloped which is not identified in this Plan and there is very little of the housing allocation in the Plan for South Shields. Prime town centre building land is to be used to relocate South Tyneside College at the expense of Westoe Village, which will see a development of up to 260 houses. These developments are not sustainable to the existing communities.

2. 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

The development set out in this plan and the recent development not included in this Plan will destroy rather than respect the individual character of the villages. These villages will merge into one urban sprawl rather than 'distinctive' villages. Policy SP6: Former Chuter Ede Education Centre proposes approximately 70 residential dwellings. This will be on the border with Boldon, thus adding more houses to this area which is not sustainable.

3. Encourage the re-use of suitable and viable brownfield land and, where appropriate, encourage higher development densities.

Brownfield sites have been disregarded in favour of Green Belt sites and no reasonable alternatives identified. These are the same sites which this Council has tried to develop since 1998, suggesting these are the sites which will please the developers, not the community.

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.

The case for amending the Green Belt is not positively prepared or justified, as it is based on misleading evidence. Most of the Green Belt development is in the Villages of Cleadon, Boldon and Whitburn so will feed into the Whitburn sewage system which doesn't have the capacity to take the extra flows. The Council refuse to accept this evidence in favour a claim that NWL have headroom for 25,000 houses with the caveat in dry conditions only, which was provided by way of an unrecorded verbal comment that has not been attributed to any individual and therefore must be regarded as hearsay rather than fact, so this is not justified as it is not based on appropriate evidence. It is not positively prepared as all of the relevant information has not been considered to make a decision on the chosen sites under the 'Tameside Duty'.

5. Create a new sustainable, community within the Fellgate Sustainable Growth Area (Policy SP8) by providing homes and community facilities.

This is one of the Green Belt sites which the Council has been trying to develop for years. In the UDP Green Belt Rejected Sites (published in 'South Tyneside Green Belt and Landscape Background Paper September 2012') the Inspectors Report Summary (1998) for Land at West Fellgate Farm, Laverick Hall Farm and Pool Bank noted:

"6.10 The inspector concluded that as the exceptional circumstances for economic development at the site south of Hedworth were not met, there was even less justification need for this site to be excluded from the Green Belt

6.11 In addition, the Inspector stated that the land provides an important open aspect to the Borough. Development of this site would extend the built up area of the Borough, considerably into the open countryside and would affect a wildlife corridor."

This is not justified as the case for amending the Green Belt is not based on appropriate evidence. The Inspector's findings in 1998 are still relevant, yet they have been continually ignored by the Council, in an attempt to develop this site. It was previously put forward as a 'Garden Village' as reported in this article in the Shields Gazette from 2019:

<https://www.shieldsgazette.com/news/politics/plans-revealed-for-massive-garden-village-development-including-new-3000-homes-and-three-schools-in-south-tyne>

6. Prioritise the regeneration of South Shields Riverside, South Shields Town Centre, Fowler Street Improvement Area, and the Foreshore Improvement Area

Part of the Plan to regenerate South Shields Town Centre is to relocate South Tyneside College. These 160 mature trees will be felled on the existing College site. Policy 36: Protecting Trees, Woodland and Hedgerows states:

(i) Trees, woodland and hedges shall be protected and suitably retained as an integral part of the design of the development.

(ii) Proposals for new development which would result in unacceptable harm due to the loss of trees, woodland and/or hedgerows will not be permitted, unless it can be demonstrated that:

i. An overriding need for development and public benefit clearly outweighs harm to the landscape, ecological value, or the historical importance of the location, or

ii. Development cannot be relocated elsewhere within the development site, or

iii. Suitable mitigation and enhancement measures are provided and agreed with the council.

Paragraph 11:27 of the section Conserving and enhancing the Natural Environment in this Plan states:

"Trees and hedges play an important role in supporting the natural environment and wildlife habitats. They make a significant contribution to mitigating climate change, provide key ecosystem services that protect and enhance the local environment and provide essential green corridors which allow wildlife to travel between key sites. Trees and hedges also add to the character, appearance and distinctiveness of the local area, and their presence can have a significant and positive effect on the local landscape. The significance of trees and hedges may relate to their size, form, and maturity, or because they are rare or unusual."

These considerations have been ignored in implementing Policy SP3, so this Plan cannot be positively prepared when Policy statements are ignored in Planning decisions.

7. Prioritise economic development in designated Employment Areas, including the Port of Tyne, that are accessible by a range of transport modes and allocate additional land at Wardley Colliery”

The land at Wardley Colliery is Green Belt land. This is not justified as the Council have recently approved Planning Permission for development on two employment sites in Boldon, which is in close proximity to the Wardley site. Also granted planning for housing at Luke's Lane site, virtually opposite the Wardley Site which was designated as Employment/business land in the 2019 draft of this Plan.

8. Enhance and strengthen green infrastructure, ecological networks and Green Belt throughout South Tyneside and between neighbouring authorities.

There is no evidence of cross boundary strategic plans concerning 'green' matters or any statements of common ground concerning green infrastructure in this Plan. So this statement is neither justified nor effective.

This shows that all of the statements in Policy SP3 are not positively prepared, justified or effective.

Policy SP3 does not support Strategic Objective 4: “To ensure that development, infrastructure, and communities are resilient to the effects of climate change and are designed to adapt to and reduce the effects of climate change.”

The only way that Policy SP3 and this local plan can be sustainable is by delivering Strategic Objective 4 and conserving and protecting the existing green infrastructure within the borough.

Policy SP3 is not sound or justified as it states an intent to amend the Green Belt Boundary to meet unrealistic housing targets. Most of the proposed Green Belt sites are in the villages of West Boldon, East Boldon, Cleadon and Whitburn and do not satisfy stated criteria as their deletion from the Green Belt Register. Amending the Green Belt Boundary, particularly in these villages is in direct conflict with each of the five purposes of the Green Belt. So the case for exceptional/special I circumstances cannot be proven. Green Belt deletion should not be about releasing individual sites, even major strategic sites, for development. Rather, it needs to be to meet expected long term need for development land beyond the life of the Plan. Designation of 'safeguarded land' between existing settlement boundaries. In order to be consistent with national policy Campaign to Protect Rural England (CPRE) nationally has also produced a Policy Guidance Note (PGN) for housing which states at paragraph 4.8

'Green Belt boundaries should only be modified where there is compelling evidence of exceptional circumstances to justify a change to boundaries. The defining feature of formally designated Green Belts is their permanence. Any boundary review should be based upon the five purposes of the Green Belt outlined in paragraph 80 of the NPPF as well as a locally agreed set of criteria, arrived at by engagement with the local community. Any resultant changes should be kept to a minimum. The designation of additional Green Belt areas will be supported where it can be demonstrated that they meet one or more of the Green Belt purposes but not where they merely provide a substitute for deleted areas.'

Greenbelt cannot be replaced or mitigated against.

It is up to the local authority, in this case South Tyneside Council, to determine its housing requirement, and this includes taking local circumstances and restraints such as Green Belt into account, and working with neighbouring authorities if it would be more appropriate for needs to be met elsewhere. It is recognised that not every community will be able to meet its housing needs in full. Census figures show that this is not necessary.

Most of the Green Belt land put forward for development is owned by the Church Commissioners, who have made it available for development. However, Policy SP3 does not fulfil the criteria set out in the Church Commissioners Updated Strategic Land Management Policy (March 2022) and is clearly out of touch with their 'Vision Statement' this states:

“ We are committed to the long-term stewardship of our land. We strive to manage the natural resources of our estates and support the building of new developments in our communities in accordance with best practice. We will facilitate positive change to meet the global challenges of combating climate change and reversing the loss of biodiversity.

We seek to collaborate with others to achieve this.

We seek to deliver new developments which enhance their surroundings, providing safe and stable new homes and job opportunities to local areas, and facilitating the curation of communities that can thrive for generations to come. Aligned with our wider land management activities, alongside and as part of our developments, we seek to safeguard habitats and, where possible, implement biodiversity improvements.”

Needless development on agricultural land, which could be used as a source of food does not demonstrate “Stewardship of our land”. As good stewards of the environment, we have a collective responsibility to care for this planet, this means to do everything within our power to offset the negative impact of climate change. This means protecting and preserving our green infrastructure for future generations to enjoy and to grow crops to be self-sufficient as we cannot eat money!

Policies SP3: Spatial Strategy for Sustainable Development and SP7: Urban and Village Sustainable Growth Areas are not justified as they do not take into account reasonable alternatives. Green Belt development is not based on appropriate evidence as highlighted by the 2021 Census figures for housing and population. These policies are not justified by the evidence and the case for exceptional circumstances to amend the Green Belt boundary has not been made. This means they are not an appropriate strategy to be included in the Local Plan.

The Local Plan must be revised to remove the proposed amendment to the Green Belt boundary to allocate additional land for housing and to withdraw all of the sites proposed for removal from the Green Belt: GA1-6 and SP8 where exceptional or special circumstances have not been met as the evidence base does not stand up to scrutiny.

Policy SP3 is not effective as it fails to “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”

Also Fails to “Encourage the re-use of suitable and viable brownfield land” which has been overlooked in favour of more lucrative Green Belt sites in the villages of Cleadon, Whitburn and the Boldons. This also means that it fails to “secure the sustainability and vitality of the villages of Cleadon, Whitburn and the Boldons by supporting

P3: Spatial Strategy for Sustainable Development is not consistent with national planning policy. This Regulation 19 draft of the Plan is to be guided by the principles set in the July 2021 version of the NPPF, as amended in September 2023, rather than the December 2023 version. The significant difference between the two versions, in relation to this issue, is that under paragraph 140 of the 2021 version, there appears to be a requirement to review Green Belt boundaries where the housing need is established whereas, under paragraph 145 of the 2023 version there is no such requirement.

SP3 Spatial Strategy for sustainable Development is not constant with national policy because the proposed developments are not consistent with the following NPPF sections:

NPPF Paragraph 11:

all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects; and

20. Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for:

b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);

c) community facilities (such as health, education and cultural infrastructure); and

d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.

and

32. Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements. This should demonstrate how the plan has addressed relevant economic, social and environmental objectives (including opportunities for net gains). Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered).

Policy SP3 is not consistent with national policy as it has been shown that the Green Belt does not need to be built on and therefore the least harm to this resource is not to build on it as ‘exceptional’ or ‘special’ circumstances have not been nor cannot be established. Protecting the existing Green Belt as a much needed resource is essential to “taking all necessary steps to make South Tyneside Council carbon neutral by 2030 as promised as part the Climate Emergency declared on the 18th July 2019. The Green Belt is a resource not an asset.

Furthermore, according to the Planning and Compulsory Purchase Act 2004;

“Development Plan documents must (taken as a whole) include policies designed to secure that development and use of land in the local planning authority’s area contribution to the mitigation of, and adaption to, climate change.”

NPPF (2019) Paragraph 8 makes clear that “mitigating and adapting to climate change” is a core planning objective. The NPPF also highlights climate change as a key part of strategic planning policy, which local authorities are legally obliged to set out in their local plans.

NFFP (2019) also states:

“The planning system should support a transition to a low carbon future in a changing climate... it should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions... in line with the objectives and provisions of the Climate Change Act 2008.”

Plans are legally required to demonstrate how their policies are in line with legally binding carbon emission reduction targets in the Climate Change Act 2008, including and understanding of baseline emissions inherent in future development... Local Plans must ensure that the actions and policies will reduce emissions in line with the trajectory set out in the Climate Change Act 2008.

Thirdly, the use of Green Belt sites before brownfield is not consistent with NPPF. Michael Gove, Secretary of State for Levelling Up, Housing and Communities and Minister for Intergovernmental Relations, made a Commons Statement on 19th December 2023:

“Today’s update to the National Planning Policy Framework (NPPF)

It provides clearer protection for the Green Belt, clarity on how future housing supply should be assessed in plans and on the responsibility of urban authorities to play their full part in protecting the character of precious neighbourhoods.

The new NPPF will: facilitate flexibility for local authorities in relation to local housing need; clarify a local lock on any changes to Green Belt boundaries; The new NPPF makes clear that the outcome of the standard method is an advisory starting point in plan making for establishing the housing requirements for an area.”

The above is supported by guidance in The House of Commons Library published on 27 August 2021 “Calculating housing need in the planning system (England)” which states in 2.4:

“A starting point, not a target? Land constraints and the standard method. The standard method is intended to be the starting point in determining how many homes an LPA can and should deliver, but is not a target. LPAs must also take account (for example) of land constraints, such as the Green Belt.”

<https://commonslibrary.parliament.uk/research-briefings/cbp-9268/>

This means that South Tyneside Council is able to determine its housing requirement and can take into account the restraint of the Green Belt.

Policy SP3: Spatial Strategy for Sustainable Development proposes amending the Green Belt boundary to allocate additional land for housing and Policy SP7 Urban and Village Sustainable Growth Areas proposes the removal of sites from the Green Belt and allocation for housing development. This is not consistent with National Policy as The National Planning Policy Framework (NPPF) states:

“140. Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period”

The Local Plan is not justified by the evidence as set out in the ‘Density Report 2024’ of housing density achieved since the last housing density report in 2018. The Local Plan in paragraph 8.24 sets a lower average housing density than has been achieved which means it is not consistent with the NPPF. The Density Report 2024 states:

“2.3 Paragraph 125 of the NPPF highlights the importance of avoiding homes being built at low densities, where there is an anticipated shortage of land for meeting identified housing needs. Planning policies should avoid homes being built at low densities and ensure optimal use of land by using minimum density standards. These standards aim to uplift the average density of residential development and the use of these standards should be used in other parts of the plan area. Minimum density standards should also be used in a way which ensures that applications which fail to make efficient use of land be refused.”

It states in the Summary

“4.1 Following the four assessments several conclusions can be drawn with regards to density patterns throughout South Tyneside. Since the previous Density study in 2018:

- The average density of sites assessed was 66 dwellings per hectare based on net site area. This is an increase of 16 dwellings per hectare since the previous study.
- The assessments showed that density declined as site area increased and that sites less than 1 hectare had a density significantly higher than those over 1 hectare. Sites less than 1 hectare had an average density of 82 dwellings per hectare. Sites over 1 hectare had a density of 40 dwellings per hectare.
- In general sites with a higher yield had typically lower densities. Sites with less than 50 dwellings had an average density of 50 dwellings per hectare whereas sites with more than 250 dwellings had an average density of 28 dwellings per hectare.
- Sites in the urban area of South Shields had the highest densities with an average of 72 dwellings per hectare. This is likely due to the nature of the area and the large proportion of smaller sites.
- Compared to the standard density buffers in Policy SC3 of the adopted LDF and the Strategic Housing Land Availability Assessment higher densities were achieved across all three categories. “

However, the Recommendations for Housing Density which have been utilised by the Regulation 19 Draft Local Plan are lower than the densities which have been achieved. The Density Report states:

“6.1 Housing yield must ultimately be determined by design. However, for the purposes of estimating housing yield as part of the Strategic Housing Land Availability Assessment and Local Plan site selection process the following density calculations are recommended:

- Average 60 dwellings per hectare on sites within 400m in the Jarrow and Inner South Shields character areas (higher densities may also be appropriate on a site by site basis e.g. by the riverside on sites such as Holborn and Hawthorn Leslie);
- Average 55 dwellings per hectare on sites within 400m in the rest of the borough;

- Average 45 dwellings per hectare on sites between 400m – 800m in the rest of the borough; and
- Average 35 dwellings per hectare on sites beyond 800m in the rest of the borough.

6.2 These densities will be used to estimate site capacities in the Strategic Housing Land Availability Assessment where other information (e.g. planning applications, information from developers etc.) is not available. Should this information be available it will be used.”

The Density Report 2024 also underestimates the housing densities which have been achieved because two very large urban brownfield sites have been excluded from the assessment:

“3.2 Whilst permission was given to 26 sites during this period only 24 sites will be used in this study. The sites at Leslie Hawthorn and Holborn have been omitted from this study as due to the nature of those sites they present an anomaly in the densities. These sites have a much higher density so to be viable sites for the developers more dwellings on site were required. These sites have a much higher proportion of flats and apartments than others of this size and location. Therefore, to be able to analyse patterns and trends in [answer truncated to 25000 characters]

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

Review all Green Belt deletions to either make a stronger case for 'Exceptional Circumstances' or remove them. Deletions are based on on claim there is insufficient brownfield sites - this needs to be addressed as many brownfield sites have been overlooked in favour of sites desired by developers.

Housing need needs to be considered - Social/affordable hosing is needed near the town centre rather than executive homes on Green Belt sites.

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

Policy SP6: Land at former Chuter Ede Education Centre

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

Support or Object - Legally Compliant:
No

Support or Object - Sound:
No

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

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.:

More playing fields will be lost at this site.

Development is on the boundary with Boldon/Cleadon which is being overdeveloped.

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.:

Keep playing fields for the community.

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

Policy SP7: Urban and Village Sustainable Growth Areas

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

Support or Object - Legally Compliant:
No

Support or Object - Sound:
No

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

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.:

SP7:Urban and Village Sustainable Growth Areas - Object.

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

improvements to the environmental quality and accessibility of remaining Green Belt land to offset the impact of the removal of the land from the Green Belt. “

The overestimate of population is then equivalent to 1,915 houses, yet the council is releasing Green Belt to build 1,862 houses. 1,501 of those houses are in Whitburn, East Boldon and Cleadon.

It is clear there is no need to release land from the Green Belt. West Boldon recently lost 63 Hectares of Green Belt land, which was four working farms, so also agricultural land for the International Advanced Manufacturing Park (IAMP). The area cannot afford to lose more arable land, this is in conflict with Policy 40 which is concerned with “Agricultural Land”

Considering the council is releasing Green Belt land to build 1,108 houses and that 993, of those houses are in the villages of Whitburn, East Boldon and Cleadon, will not “Secure the sustainability and vitality of the Villages of Cleadon, Whitburn and the Boldons by supporting growth which respects the distinctive character of each Village” as set out in Policy SP2. This shows no ‘respect’ for “the distinctive character of each Village”. In fact it is using the Green Belt in the Villages of South Tyneside as an asset to raise money for a cash strapped Council, which is not only unacceptable but also unsustainable. More housing will cause these villages to merge into one urban sprawl, thus defeating the purpose of the Green Belt, to prevent urban sprawl. This is in direct conflict with National Planning Policy Framework (NPPF)

The proposals to build in the villages will lead to growth which does not respect the distinctive character of the villages of East Boldon, West Boldon, Cleadon and Whitburn. Land for new homes proposed will not lead to the acceptable plan-led development of these villages. The impact the proposals will have on the community will be considerable – increased traffic congestion, pressure on local facilities, school places and health services. Infrastructure for the proposed growth of these villages will potentially take up more land, which is already in short supply.

Increased traffic in these areas will cause pollution and a reduction in air quality. Pollution and air quality in these areas are currently ameliorated by the green infrastructure, hedges, trees and soil. This means Policy SP7 is in direct conflict with Policy 2 ‘Air Quality’ and Policy 3 ‘Pollution.’

This policy implies that development on Green Belt land can be justified in “very special circumstances” and reference is made to “limited infilling sites”. Most of the proposed Green Belt sites are in the villages of West Boldon, East Boldon, Cleadon and Whitburn and do not satisfy stated criteria as their deletion from the Green Belt Register is in direct conflict with each of the five purposes of the Green Belt. So the case for exceptional circumstances has not been proven. Green Belt deletion should not be about releasing individual sites, even major strategic sites, for development. Rather, it needs to be to meet expected long term need for development land beyond the life of the Plan. Designation of ‘safeguarded land’ between existing settlement boundaries. In order to be consistent with national policy Campaign to Protect Rural England (CPRE) nationally has also produced a Policy Guidance Note (PGN) for housing which states at paragraph 4.8

‘Green Belt boundaries should only be modified where there is compelling evidence of exceptional circumstances to justify a change to boundaries. The defining feature of formally designated Green Belts is their permanence. Any boundary review should be based upon the five purposes of the Green Belt outlined in paragraph 80 of the NPPF as well as a locally agreed set of criteria, arrived at by engagement with the local community. Any resultant changes should be kept to a minimum. The designation of additional Green Belt areas will be supported where it can be demonstrated that they meet one or more of the Green Belt purposes but not where they merely provide a substitute for deleted areas.’

Policy SP7 is not sustainable and population figures do not warrant the removal of Green Belt land to support growth. Policy SP7 is also in conflict with other policies in this Plan, showing the lack of coordination and simple joined up thinking to create a Local Plan that benefits the community, not just the Council and developers.

Policy SP7 is not consistent with national policy as this Regulation 19 draft of the Plan is to be guided by the principles set in the July 2021 version of the NPPF, as amended in September 2023, rather than the December 2023 version. The significant difference between the two versions, in relation to this issue, is that under paragraph 140 of the 2021 version, there appears to be a requirement to review Green Belt boundaries where the housing need is established whereas, under paragraph 145 of the 2023 version there is no such requirement.

The provisions of the South Tyneside Green Belt Study of 2023 and the Green Belt Exceptional Circumstances paper of 2024. From these, which take into account criteria listed in the ‘Calverton judgment’ mentioned in both these documents, it is clear that:

There is insufficient Brownfield land within the Borough to meet the objectively assessed need

However, there is evidence from Census information that the population has declined consistently over the years

The Study assesses the harm to the Green Belt that may be caused by deleting each site, both individually and cumulatively. It also refers to compensation in the remaining parts of the Green Belt in respect of any site deleted.

The Exceptional Circumstances paper does not itself address issues relating to harm to the Green Belt does conclude that, because of the lack of suitable sites not in the Green Belt, Exceptional Circumstances have been made out for the deletion of these sites.

In view of this it is difficult to challenge the findings of the Study as far as it goes. However, there is one issues that is not covered that affects whether the case for ‘Exceptional Circumstances’ have been made out for all of these sites

The essence of the ‘Calverton judgment’ is based on the judgment of the court of Appeal judgment in St Albans City Council v Hunston Properties Ltd

[2013] EWCA Civ 1610. At paragraph 32, Sir David Keene said

“Where this inspector went wrong was to use a quantified figure for the five year housing requirement which departed from the approach in the Framework, especially paragraph 47. On the figures before her, she was obliged (in the absence of a local plan figure) to find that there was a shortfall in housing land supply. However, decision-makers in her position, faced with their difficult task, have to determine whether very special circumstances have been shown which outweigh the contribution of the site in question to the purposes of the Green Belt. The ultimate decision may well turn on a number of factors, as I have indicated, including the scale of the shortfall but also the context in which that shortfall is to be seen, a context which may include the extent of important planning constraints in the district as a whole. There may be nothing special, and certainly nothing “very special” about a shortfall in a district which has very little undeveloped land outside the Green Belt. But ultimately that is a matter of planning judgment for the decision-maker.”

Although this case dealt with ‘Very Special’ as opposed to ‘Exceptional Circumstances’, this was not considered to be an issue in Calverton (paragraph 39). So the mere fact that there is a shortfall does not of itself amount to ‘Very Special’ (or ‘Exceptional’) Circumstances and the scale of the shortfall, its context and the importance of the planning constraints are relevant issues for all of these sites according to this judgment.

South Tyneside is tightly constrained by the Green Belt to the west and the south. Clearly it is also constrained to the north and the east by the River Tyne and the North Sea. However, the Green Belt around South Tyneside is relatively narrow and serves the important role of separating the built parts of South Tyneside from Sunderland to the south and, to some extent, Gateshead to the west. But this appears to be just the sort of scenario that existed in the Hunston case and we represent that this issue, namely whether in such a case, the shortfall in itself does represent a “Very Special”, or “Exceptional” Circumstance, is an important consideration that should be addressed. Bearing in mind that there has already been a significant deletion, 63 hectares, from the Green Belt at the IAMP site in West Boldon, this perhaps increases the need for this to be taken into account in the consideration of the six sites put forward.

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

Remove all Green Belt sites as the need for the extra housing is not established. The Census data needs to be revisited and the real housing need established. This "ghost" houses to boost the economy rather than based on any real need.

The Green Belt is a vital resource and needed by the local community.

Green Belt allocation is in a very small area, which will increase density, Covid 19 shows how Pandemics spread more rapidly in densely populated areas. Consider health, wellbeing and quality of life of existing residents.

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

Policy SP8: Fellgate Sustainable Growth Area

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

Support or Object - Legally Compliant:

No

Support or Object - Sound:

No

Support or Object - Complies with the Duty to Cooperate:

No

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.:

Sustainable Urban Growth Area 1 1,200 houses: Land south of Fellgate is allocated as a sustainable urban extension and will be removed from the Green Belt - 1,200 houses (approx). This is neither sustainable nor positively prepared. The provisions of the South Tyneside Green Belt Study of 2023 and the Green Belt Exceptional Circumstances paper of 2024 when compared with the criteria listed in the “Calverton Judgment” mentioned in both these documents, it is very clear that there is insufficient Brownfield land within the Borough to meet the objectively assessed need particularly there is evidence from the 2021 Census information that the population has declined consistently over the years The Study assesses the harm to the Green Belt that may be caused by deleting each site, both individually and cumulatively. It also refers to compensation in the remaining parts of the Green Belt in respect of any site deleted. To delete more working farms from South Tyneside’s Green Belt cannot be justified, four working farms were removed to accommodate the IAMP site which is close to this site. The area which was semi-rural will be reduced to urban sprawl. This site must remain to retain some of the character of the area.

The Exceptional Circumstances paper does not itself address issues relating to harm to the Green Belt does conclude that, because of the lack of suitable sites not in the Green Belt, ‘Exceptional Circumstances’ have been made out for the deletion of these sites.

In view of this, it is difficult to challenge the findings of the Study as far as it goes. However, there is one issue that it does not cover which can in turn affect whether ‘Exceptional Circumstances’ have been made out.

The essence of the 'Calverton judgment' is based on the judgment of the court of Appeal judgment in St Albans City Council v Hunston Properties Ltd [2013] EWCA Civ 1610. At paragraph 32, Sir David Keene stated:

"Where this inspector went wrong was to use a quantified figure for the five year housing requirement which departed from the approach in the Framework, especially paragraph 47. On the figures before her, she was obliged (in the absence of a local plan figure) to find that there was a shortfall in housing land supply. However, decision-makers in her position, faced with their difficult task, have to determine whether very special circumstances have been shown which outweigh the contribution of the site in question to the purposes of the Green Belt. The ultimate decision may well turn on a number of factors, as I have indicated, including the scale of the shortfall but also the context in which that shortfall is to be seen, a context which may include the extent of important planning constraints in the district as a whole. There may be nothing special, and certainly nothing "very special" about a shortfall in a district which has very little undeveloped land outside the Green Belt. But ultimately that is a matter of planning judgment for the decision-maker."

Although this case dealt with 'Very Special' as opposed to 'Exceptional Circumstances,' this was not considered to be an issue in Calverton (paragraph 39). So the mere fact that there is a shortfall does not of itself amount to 'Very Special' (or 'Exceptional') Circumstances and the scale of the shortfall, its context and the importance of the planning constraints are relevant issues according to this judgment.

Green Belt around South Tyneside is relatively narrow and serves the important role of separating the built parts of South Tyneside from Sunderland to the south and, to some extent, Gateshead to the west. But this appears to be just the sort of scenario that existed in the Hunston case so this issue, namely whether in such a case, the shortfall in itself does represent a 'Very Special', or 'Exceptional Circumstance', is an important consideration that must be addressed. Bearing in mind that there has already been a significant deletion from the Green Belt at the IAMP, this perhaps increases the need for this to be taken into account when considering this site.

Sunderland, Durham and Gateshead have all used the International Advanced Manufacturing Park (IAMP) and the new Business Park at Follingsby to increase their housing allocation to cater for growth on the IAMP site so the extra 1,200 houses proposed at Fellgate on Green Belt land are totally unnecessary, especially as IAMP has attracted very little new business and has not delivered the 5,000 new jobs promised by the end of 2023, this site promised a total of 7,000 new jobs, which has not been realised as businesses which supply the automotive industry are relocating to the site rather than new businesses, so cannot be classed as new jobs, so new homes are not needed to accommodate 'new' workers wanting to live in the area, as these workers already live in the area. Most of the jobs offered on the Follingsby Business Park are unskilled and low paid, such as the Amazon warehouse, which will not attract new people to live in the area.

This also amounts to quadruple counting, Sunderland Council for example has 33% above the objectively assessed housing need in their Local Plan so this extra housing proposed is not needed as it is speculative, reflecting the Economic Recovery Plan, which aims to attract new people to live in the borough, this must not be at the expense of Green Belt land which is arable and needed for food production. Boldon has lost too much of its Green Belt land in the last few years, 63 hectares to IAMP, most of which is standing empty. This cannot be considered to be positively prepared in proposing the loss of more Green Belt land particularly when this area is prone to flooding.

This land is currently farmed so it is also in direct conflict with Policy 40 which is concerned with Agricultural land. This policy states:

"Development proposals will be expected to demonstrate that they avoid the best and most versatile agricultural land (grade 1, 2, 3a)."

Developing this area with over a thousand houses plus infrastructure is in conflict with the following Policies: Policy SP21 Natural Environment; Policy 2 Air Quality and SP25 Infrastructure.

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.:

Look at Sunderland, Gateshead and Durham's Local Plans to establish duplicate extra housing for IAMP.

Review Green Belt deletion in the light of the Calverton judgement as this development is not needed. It is needed in terms of housing or infrastructure. New jobs promised at the IAMP site have not materialised as no new businesses have been established, just existing ones relocating.

This land is need for farming for food security. Four working farms have been lost in the area, 63hectares, this must be taken into account.

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

Policy SP14: Wardley Colliery

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

Support or Object - Legally Compliant:

No

Support or Object - Sound:

No

Support or Object - Complies with the Duty to Cooperate:

No

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

Policy SP14: Wardley Colliery: 12.7 hectares of land, at Wardley Colliery for general economic development and will be removed from the Green Belt. The 12.7 hectare allocation is for employment development. This is building on the Green Belt by default, so not positively prepared as it fails to meet the areas objectively assessed needs and is not consistent with achieving sustainable development.

An article published in the Shields Gazette on Thursday 8th February 2024 states:

"£4million of the investment will be spend to transform two vacant 70,000sq ft and 50,000sq ft units into modern industrial and distribution hubs... Over the coming months, the projects will see new life breathed into two vacant units which have stood empty for a period of time while the former owner consolidated its operations."

It is ludicrous that the Council proposes to remove 12.7 hectares of land, from the Green Belt at nearby Wardley Colliery (Follingsby) "for general economic development" in the publication draft of the Local Plan. How can there possibly be a demand to remove the land, from the Green Belt at nearby Wardley Colliery (Follingsby) "for general economic development" as proposed in SP14 when two vacant units "have stood empty for a period of time" at nearby Boldon Business Park?

One of the two units is Hashimoto Ltd, now Faltec, which has moved to the IAMP site. The South Tyneside part of the IAMP site was 63 hectares of Green Belt land in West Boldon which was four working farms. This is building on the Green Belt by default and should be removed from the Plan, particularly when recently, two employment sites in the Cleadon and East Boldon Ward at Cleadon Lane and Mayflower Glass site (Moor Lane/Station Road) were approved for housing. This means that this Plan cannot be either positively prepared or justified as this Council is building on the Green Belt by default.

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

This land is not needed as business land in Cleadon/Boldon has been approved for housing as it wasn't needed - no takers according to the Council. This is building on the Green Belt by default and cannot be justified.

Follingsby Business Park has also taken up a lot of land in this areas it will also urbanise this area, leaving very little green space in a semi-rural area.

This will also cause transport and flooding issues in the local area.

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

Policy SP15: Climate Change

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

Support or Object - Legally Compliant:

No

Support or Object - Sound:

No

Support or Object - Complies with the Duty to Cooperate:

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.:

Policy SP15 does not reflect national legislation and guidance which strongly stress the central role of the planning system in securing radical reductions in greenhouse gas emissions and require Local Plans to:

Take into account baseline emissions

Robustly evaluate future emissions, considering different emission sources, taking into account requirements set in national legislation, and a range of development scenarios

Adopt proactive strategies to mitigate carbon emissions in line with the Climate Change Act, a 100% reduction by 2050.

The Plan fails to do any of these things, and is therefore is not positively prepared but unsound and open to challenge. Therefore this Plan needs to include an audit of the carbon emissions inherent in all new development. This and other policies should aim to secure carbon reductions in line with a trajectory for the authority area that is consistent with the UK achieving full carbon neutrality by 2050. A major review of the Plan is required in order to bring it into compliance with legislative and policy requirements around climate change.

Covering our open green spaces with concrete is counterproductive as the production of concrete is polluting and not carbon friendly.

Policy SP15 is a disappointment and does nothing to meet Strategic Objectives set out in this Plan such as:

Strategic Objectives 3: To ensure that development in South Tyneside contributes to meeting the Council's zero carbon ambitions by maximising renewable energy generation and achieving the highest possible standards of sustainable construction.

Strategic Objective 4: "To ensure that development, infrastructure, and communities are resilient to the effects of climate change and are designed to adapt to and reduce the effects of climate change."

Strategic Objective 5: To reduce and mitigate the local causes of climate change, mitigate flood risk and other impacts that support the move to a zero-carbon future by 2030

Strategic Objective 12: "To protect the Borough's rich geodiversity and ecological assets ranging from its internationally recognised coastline to its regionally and locally significant natural assets. Ecological networks will be supported and enhanced through the delivery of biodiversity net gain."

Strategic Objective 13: "To protect, enhance and increase the provision of green infrastructure across the Borough through multi-functional, interconnected, and attractive recreational networks which provide a physical environment that encourages physical activity and social interaction through high-quality open spaces, green infrastructure networks, sports facilities, and safe communities."

Strategic Objective 14: "To support sustainable development whilst protecting the Borough's most valuable landscapes and maintaining the openness and permanence of the Green Belt."

This demonstrates that this plan has not been positively prepared and cannot be effective in terms of meeting "the challenge of mitigating and adapting to the effects of climate change".

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.:

Robustly evaluate future emissions, considering different emission sources, taking into account requirements set in national legislation, and a range of development scenarios

Adopt proactive strategies to mitigate carbon emissions in line with the Climate Change Act, a 100% reduction by 2050.

Stop concreting over green fields and removing trees and hedges

Acknowledge sewage pollution in rivers and coastal waters, so that it can be addressed. Sewage pollution is ignored as it prevents development, this is a vicious cycle which must be addressed for the future of our blue assets as well as to mitigate the effects of climate change.

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

Policy 10: Disposal of Foul Water

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

Support or Object - Legally Compliant:

No

Support or Object - Sound:

No

Support or Object - Complies with the Duty to Cooperate:

No

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

SP10 fails to address the fact that Northumbrian Water Limited (NWL) remains subject to a Compliance Assessment Report (CAR) with respect to the Whitburn sewage system which demonstrates a lack of capacity in the system. The proposed development in East Boldon, Cleadon and Whitburn feeds into the Whitburn sewage system and will exacerbate the detrimental environmental impact of sewage pollution currently experienced locally due to lack of sewage collection and treatment capacity.

Until the CAR is addressed by NWL then objections to developments that feed into the Whitburn sewage system are appropriate and must be addressed, particularly in this Plan to safeguard the community and environment. From a legal perspective we note that any evidence submitted to the Council that contradicts NWL's assertions regarding sewerage capacity is likely to be a material consideration that cannot be disregarded by the Council for the purposes of deciding whether to grant planning permission (although the weight to be given to that evidence is of course a matter of the LPA's planning judgment).

whether to grant planning permission (although the weight to be given to that evidence is of course a matter of the LPA's planning judgment).

Policy 10 in particular is not positively prepared as data provided to the LPA demonstrates the lack of capacity of sewage treatment and presents a robust and credible evidence base which requires further research/act finding by the LPA.

In comparison, NWL gave the LPA an uncorroborated verbal assurance that the Hendon Sewage Works has headroom for another 25,000 homes. This is hearsay.

In the Drainage and Wastewater Management Plans of NWL there is no evidence of sound sewage infrastructure delivery planning to reduce the spills of sewage in the borough or increase capacity at Hendon Sewage Works to accommodate more housing.

Therefore, the plan is not positively prepared.

These two policies do not support Policy SP1: Presumption in favour of sustainable development as the adverse impacts "significantly and demonstrably" outweigh any benefits of the proposed development in this Plan. Infrastructure has also been ignored. Policy SP25 Infrastructure has been removed from this version of the Plan. This policy stated: "Ensuring new development mitigates impacts and contributes fully towards the delivery of the IDP". Furthermore, wastewater treatment capacity in general is a material planning matter, added to the fact that the European Commission takes the view that the UK has not complied with Case C-301/10 in respect of Whitburn is also a material planning consideration, which the Council cannot ignore when it considers the planning permission for the proposed new developments in this plan that will impact on the local sewerage network.

There is no getting away from the fact that in 2021 a record volume of 821,088 tonnes of untreated sewage was discharged at Whitburn. The sewage pollution issue has become worse since 'remedial' action was taken in 2017. Therefore the LPA has the responsibility to place all of the proposed development that will feed into the Whitburn system, on hold, including development proposed in this Plan, until NWL can prove beyond a doubt that there is capacity in the existing sewage system. Is this a case of the Council needing the extra Council Tax and NWL needing the water rates from the proposed development that they are both failing in their legal responsibility? Public health is a material planning consideration, which is being put at risk by both the Council and NWL should this Plan be approved. These facts demonstrate that this Plan does not meet the objectively assessed needs of the community and is not informed by agreement with other authorities, like Sunderland Council, which has recently built two large developments which feed into the Whitburn system. This also shows that the Plan is not consistent with achieving sustainable development or effectiveness.

Furthermore Policy SP10 is not legally compliant for the following reasons:

Sewage collection and treatment capacity is a material planning consideration.

The role of NWL is to provide a system of public sewers to ensure effective drainage.

The role of the LPA is to ensure there is sufficient sewage treatment capacity before granting planning permission.

The local plan is not in compliance with the Urban Waste Water Treatment Regulations 1994.

The Whitburn sewage system discharged 821,088 tonnes of untreated sewage into the environment in 2021.

Hendon sewage works discharges illegally regularly in dry weather.

In South Tyneside there were 1350 spills from sewer overflows into the environment in 2022.

The Local Plan should include the following to be legally compliant:

Planning proposals will not be supported unless it can be shown by rigorous analysis that there is sufficient capacity in the local sewerage system...

The analysis is not onerous, and data can be obtained from NWL, the Local Authority and the Environment agency as follows:

Data from the Monitoring Certification Scheme (MCERTS) of the sewage treatment works.

Local rainfall totals.

The duration and number of spills from Combined Sewer Overflows in the borough measured by Event Duration Monitor (EDM) data.

Analysis of this data will determine both capacity and compliance with the Urban Waste Water Treatment Regulation (UWWTR).

This means that the plan is not consistent with national policy as it does not address the need for infrastructure for the proposed future developments, in particular the provision of sewage systems which satisfy the Urban Waste Water Treatment (England & Wales) Regulations.

It is a requirement of the National Planning Policy Framework that;

Para 170 "...planning decisions should contribute to and enhance the natural local environment by, "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....taking into account relevant information."

Paras 180 states that "Planning Policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment "

Para 181 states that "Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants."

There is an increasing problem in South Tyneside with continuous spills of sewage into our rivers from combined sewers (CSOs) for example into the River Tyne at Wapping St 44 times 312 hrs; Harton Staithes 40 times 171 hrs; Tudor Rd 37 times 80 hrs; Coronation St 40 times 260 hrs; Eldon St 68 times 412 hours; Temple St 52 times 235 hrs; Smith St 16 times 134 hrs; Waggonway Rd 155 times 2391 hrs.

Into streams for example the River Don, Newland Drive 107 times 885 hrs; South Shields Interceptor 88 times 786 hrs; Jarrow Rd 71 times 1090 hrs. The river Don is little more than an open sewer.

Into our coastal waters for example Whitburn in 2021 821,000 tonnes of untreated sewage was discharged into the North Sea, a protected ecosystem (Northumbria Coast SPA; Northumbria Coast Ramsar Site; and Durham Coast SAC) and this, along with the overflows of 3.5 million tonnes recorded between 2015 - 2021 and in 2019 there was 178 discharges amounting 646 hours from Hendon Treatment Works, which serves much of South Tyneside. This is a clear proof that there is a lack of capacity in the sewerage system and this must be tackled by an open and independent requirement in the Local Plan for the future good of the public and the environment .

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

This Plan is not legally compliant as the Council has failed to discharge its responsibility under 'Tameside Duty' with regard to the Sewage collection and treatment capacity which is a material planning consideration. The role of Northumbrian Water (NWL) is to provide a system of public sewers to ensure effective drainage. The role of the Local Planning Authority (LPA) is to ensure there is sufficient sewage treatment capacity before granting planning permission. The Local Plan is not in compliance with the Urban Waste Water Treatment Regulations 1994 (UWWTR)

The Duty to Co-operate has not been fulfilled as Northumbrian Water Limited (NWL) fails in its role as a sewage undertaker and is not a reliable consultee. The LPA must not rely solely on the advice provided by NWL. NWL is under investigation by Ofwat, the Environment Agency (EA) and the Office for Environmental Protection (OEP) and cannot be regarded as a reliable consultee.

References to the Whitburn Long Sea Outfall as part of the Reg 18 stage have now been removed after representations were made by NWL.

Representations made at Reg 18 stage were largely ignored. This demonstrates undue bias.

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

Policy 11: Protecting Water Quality

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

Support or Object - Legally Compliant:

No

Support or Object - Sound:

No

Support or Object - Complies with the Duty to Cooperate:

No

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

Sewage pollution is a contributor to climate change so Policy 10 and Policy 11 must deliver Policy SP15 Climate Change. This policy "sets the principles for mitigating and adapting to climate change and ensures that large scale development and associated infrastructure is future proofed and resilient to future impacts." This must include the infrastructure for waste water to be positively prepared as well as sustainable.

Furthermore, recently provided evidence shows that the rock pools at Whitburn, have been decimated by sewage pollution, as have the sea meadows in the Tyne estuary. Seagrasses can absorb more carbon up to 40 times faster than terrestrial forests and these ecosystems become sources of CO2 emissions when they are degraded or destroyed. A major driver of seagrass decline is nutrient pollution from sewage. A study has shown that 90% of the seagrass meadows in the UK have been lost to pollution. Locally, the seagrass meadows in the River Tyne estuary have been devastated by sewage flowing from nearby Combined Sewer Overflows. This show the Plan is not sustainable or positively prepared as he Council has failed to deliver Pledge 2 (Paragraph 5) of the 'Motion for the Ocean' agreed by the Council in approving the two developments. This Pledge states:"The Council pledged to consider Ocean Recovery in all strategic decisions, plans, budgets and approaches to decisions by the Council (particularly in planning, regeneration, skills and economic policy)". The amount of sewage discharged into the North Sea at Whitburn was not considered and does not inform the decision to include sites which feed into the Whitburn sewage system. Therefore this Plan cannot be positively prepared.

Sewage pollution causes harm to public health, so the decision to include these sites cannot be based on the objectively assessed needs of the community. Recent epidemiological studies show a close relationship between contact with polluted waters and the incidence of gastro-intestinal, eye, ear, nose and throat infections or irritations and respiratory symptoms. This is a recognised problem for surfers, kite surfers, windsurfers, sailors, kayakers and wild swimmers. Even the dog walkers, joggers and walkers who all enjoy the access to South Tyneside's riverside and beaches throughout the year are at risk from sewage pollution. In the summer of 2023 over 80 athletes became ill after competing at the international triathlon event in Sunderland. We understand that the North East Health Protection Unit i conducted an inquiry into the reasons why this happened. An article in The Guardian on Saturday 5th August 2023 stated:

"An Environment Agency sampling at Roker beach on Wednesday 26 July, three days before the event, showed 3,900 E Coli colonies per 100ml, more than 39 times higher than typical readings the previous month. E coli is a bacterial infection that can cause stomach pain and bloody diarrhoea."

Public Health is a material planning consideration. Local authorities have important and wide-ranging public health functions, for example under the Public Health, the Control of Disease Act (1984). This legislation adopts an 'all-hazards' approach and provides South Tyneside Council with the necessary

powers to control human health risks arising from infection or contamination of any form including chemicals and radiation. Statutory duties for public health were conferred on local authorities by the Health and Social Care Act (2012). Local authorities (and directors of public health acting on their behalf) now have a critical role in protecting the health of their population, both in terms of helping to prevent threats arising and in ensuring appropriate responses when things do go wrong. Strategic Objective 2 which is concerned with 'Promoting Healthy Communities' has not been addressed in Policy 11 so cannot be positively prepared or based on objectively assess needs.

Health considerations are capable of being material planning considerations. This is recognised in the NPPF which includes the following statement at paragraph 91. 91: "Planning policies and decisions should aim to achieve healthy, inclusive and safe places."

The health implications of exposure to the levels of sewage pollution regularly discharged into the River Tyne and on to the beaches of South Tyneside must be a material planning consideration with respect to future developments as, without an improvement in sewage treatment capacity, more development will bring about an inevitable increase in sewage pollution. This means that Policy 10 and Policy 11 do not deliver:

Strategic Objective 3: "To ensure that development in South "To ensure that development, infrastructure, and communities are resilient to the effects of climate change and are designed to adapt to and reduce the effects of climate change."

Strategic Objective 5: "To reduce and mitigate the local causes of climate change, mitigate flood risk and other impacts that support the move to a zero-carbon future by 2030".

Policy 11 is designed to deliver Policy SP1: Presumption in favour of Sustainable Development, rather than to safeguard the population or the environment. The Council has a legal responsibility to protect the environment under planning law and the health of its current population, as public health is a material planning consideration.

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.:

Policy 11 must safeguard the population and the environment to deliver Policy SP1: Presumption in favour of Sustainable Development.

The Council must fulfil its legal responsibility to protect the environment under planning law and the health of its current population, as public health is a material planning consideration.

Council must also gather all the necessary information to safeguard water quality and protect it from sewage pollution.

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

Policy 14: Housing Density

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

Support or Object - Legally Compliant:

No

Support or Object - Sound:

No

Support or Object - Complies with the Duty to Cooperate:

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.:

The Local Plan is not justified by the evidence as set out in the Density Report 2024 of housing density achieved since the last housing density report in 2018. The Local Plan in paragraph 8.24 sets a lower average housing density than has been achieved which means it is not consistent with the NPPF.

The Density Report 2024 states:

"2.3 Paragraph 125 of the NPPF highlights the importance of avoiding homes being built at low densities, where there is an anticipated shortage of land for meeting identified housing needs. Planning policies should avoid homes being built at low densities and ensure optimal use of land by using minimum density standards. These standards aim to uplift the average density of residential development and the use of these standards should be used in other parts of the plan area. Minimum density standards should also be used in a way which ensures that applications which fail to make efficient use of land be refused."

It states in the Summary

"4.1 Following the four assessments several conclusions can be drawn with regards to density patterns throughout South Tyneside. Since the previous Density study in 2018:

- The average density of sites assessed was 66 dwellings per hectare based on net site area. This is an increase of 16 dwellings per hectare since the previous study.

- The assessments showed that density declined as site area increased and that sites less than 1 hectare had a density significantly higher than those over 1 hectare. Sites less than 1 hectare had an average density of 82 dwellings per hectare. Sites over 1 hectare had a density of 40 dwellings per hectare.
- In general sites with a higher yield had typically lower densities. Sites with less than 50 dwellings had an average density of 50 dwellings per hectare whereas sites with more than 250 dwellings had an average density of 28 dwellings per hectare.
- Sites in the urban area of South Shields had the highest densities with an average of 72 dwellings per hectare. This is likely due to the nature of the area and the large proportion of smaller sites.
- Compared to the standard density buffers in Policy SC3 of the adopted LDF and the Strategic Housing Land Availability Assessment higher densities were achieved across all three categories. "

However, the Recommendations for Housing Density which have been utilised by the Regulation 19 Draft Local Plan are lower than the densities which have been achieved. The Density Report states:

"6.1 Housing yield must ultimately be determined by design. However, for the purposes of estimating housing yield as part of the Strategic Housing Land Availability Assessment and Local Plan site selection process the following density calculations are recommended:

- Average 60 dwellings per hectare on sites within 400m in the Jarrow and Inner South Shields character areas (higher densities may also be appropriate on a site by site basis e.g. by the riverside on sites such as Holborn and Hawthorn Leslie);
- Average 55 dwellings per hectare on sites within 400m in the rest of the borough;
- Average 45 dwellings per hectare on sites between 400m – 800m in the rest of the borough; and
- Average 35 dwellings per hectare on sites beyond 800m in the rest of the borough.

6.2 These densities will be used to estimate site capacities in the Strategic Housing Land Availability Assessment where other information (e.g. planning applications, information from developers etc.) is not available. Should this information be available it will be used."

The Density Report 2024 also underestimates the housing densities which have been achieved because two very large urban brownfield sites have been excluded from the assessment:

"3.2 Whilst permission was given to 26 sites during this period only 24 sites will be used in this study. The sites at Leslie Hawthorn and Holborn have been omitted from this study as due to the nature of those sites they present an anomaly in the densities. These sites have a much higher density as to be viable sites for the developers more dwellings on site were required. These sites have a much higher proportion of flats and apartments than others of this size and location. Therefore, to be able to analyse patterns and trends in the data these 2 sites have been treated as anomalies."

If these two sites were included in the assessment, the average density achieved would be higher and the discrepancy between this and the recommendations for average density for the Local Plan would be even greater.

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.:

Stop using Policies like Policy 14 to make sites viable for developers. LPA must protect its residents first and foremost.

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

Policy 18: Affordable Housing

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

Support or Object - Legally Compliant:

No

Support or Object - Sound:

No

Support or Object - Complies with the Duty to Cooperate:

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.:

Policy 18 which concerns 'Affordable Housing' is not justified as this policy states:

Development of new housing of 10 units or more, or on a site of 0.5ha or more, shall deliver a minimum:

- 10% affordable homes in South Shields and Jarrow
- 15% affordable homes in Hebburn
- 20% affordable homes in West Boldon and Boldon Colliery
- 25% affordable homes in East Boldon and Whitburn Village
- 30% affordable homes in Cleadon

Affordable housing is defined as 80% of market value or 20% below the market price. Affordable Rent or is at least 20% below local market rents, with provision made for it to remain at an affordable price for future households. Rent and property prices in the villages of Cleadon, East Boldon and Whitburn are well above average, whereas property prices and rent in Hebburn, Jarrow and Shields are either average or below, only 10% in Jarrow and Shields and 15% in Hebburn will be "affordable". This means that most of the houses proposed in this plan will not be affordable. This is not justified as it is not an appropriate strategy to place most of the affordable housing on sites where house prices are well above average.

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

The LPA must acknowledge that housing in Cleadon, East Boldon and Whitburn is not affordable even at 80% of the market value. This appeasing developers, who can charge over the odds for low grade housing.

Stop conning people to increase developers profits.

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

Policy 36: Protecting Trees, Woodland and Hedgerows

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

Support or Object - Legally Compliant:

No

Support or Object - Sound:

No

Support or Object - Complies with the Duty to Cooperate:

No

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

Policy 36 Protecting Trees, which is concerned with protecting "Woodland and Hedgerows Conserving and enhancing the Natural Environment" is not positively prepared as South Tyneside is losing healthy, mature trees and hedges at an alarming rate to accommodate development and there is nothing in this Policy to prevent further loss. These trees and hedges help to ameliorate noise and air pollution that any new development will cause and also make a contribution to the mitigation of the negative effects of climate change. We are aware that in 2017 South Tyneside Council took the arbitrary decision to cut and keep all hedgerows across to borough to a height of 1.4 metres. This decision needs to be revoked in the light of Policy 36 as the policy decision taken in 2017 does not support this policy. Paragraph 11:29 of the section Conserving and enhancing the Natural Environment states:

"Trees and hedges play an important role in supporting the natural environment and wildlife habitats. They make a significant contribution to mitigating climate change, provide key ecosystem services that protect and enhance the local environment and provide essential green corridors which allow wildlife to travel between key sites. Trees and hedges also add to the character, appearance and distinctiveness of the local area, and their presence can have a significant and positive effect on the local landscape. The significance of trees and hedges may relate to their size, form, and maturity, or because they are rare or unusual."

Local Plan Policy 36 states:

"Trees, woodland and hedges shall be protected and suitably retained as an integral part of the design of the development."

The significant number of healthy mature trees and hedges which have been removed in the borough due to development and also to street tree removal for tarmac pavements, makes it clear that this exception for clear or exceptional benefits will continue to allow healthy, mature tree and hedge loss.

Therefore paragraph 1 must be amended to remove the wording: "or where there are clear or exceptional benefits in accepting their loss." This wording is open to interpretation and misuse which will lead to further healthy, mature tree and hedge loss.

All 3 paragraphs of Policy 36 are weak and will allow the continued felling of healthy, mature trees and hedgerows for development. Therefore an additional paragraph is required to ensure the policy is justified:

"Development which results in the loss or significant damage to healthy, mature trees and native hedgerow, will not be permitted."

Key Considerations for each site states: "Mature trees should be retained." This wording does not give mature trees and hedgerows adequate protection and must be revised in the key consideration for every site put forward for development within the Draft Local Plan to read "Healthy, mature trees and hedgerows must be retained." This will achieve the aim of requiring developers to retain healthy, mature trees and hedgerows onsite and incorporate them into designs.

The Plan states in paragraph 2 the importance of mature trees yet gives developers the option of felling mature trees if they replant new trees. Research shows mature trees are more effective as a resource for addressing climate change:

Mature trees absorb 40kg of CO2 per year (ecotree.green)

Young trees absorb around 5kg per year (carbonpirates.com)

The NPPF emphasises that responding to climate change is central to sustainable development and recognises that mature trees play an important role in mitigating climate change and adaptation to the adverse impacts of climate change. Therefore preservation of healthy mature trees and hedgerows must be a priority in the Plan. The NPPF also recognises the value of trees and hedgerows to biodiversity and to human health and wellbeing.

Policy 36 is incompatible Policy SP15 which is concerned with Climate change with as felling mature trees is inconsistent with Climate Change documents within the Planning Policy Guidance (PPG) which puts emphasis on addressing climate change as being one of the core land use planning principles which the National Planning Policy Framework (NPPF) expects to underpin both plan-making and decision-taking. To be found sound Local Plans will need to reflect this principle and include the requirements for local authorities to adopt proactive strategies to adapt to climate change in line with the provisions and objectives of Climate Change Act 2008.

The Local Plan must be revised to ensure it is justified, that this policy and housing allocations requirements able to ensure the Strategic Objectives for Conserving and Enhancing the Natural Environment will be achieved; and to be consistent with national policy.

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

This Policy must be reviewed to say what it states, that is protect trees, woodland and hedges. This can be don by amending paragraph 1 to remove the wording: "or where there are clear or exceptional benefits in accepting their loss." This wording is open to interpretation and misuse which will lead to further healthy, mature tree and hedge loss.

Add an addition paragraph to the Policy to ensure trees are protected by this policy to ensure developers cannot remove trees and hedges solely to put more houses on site.

This Policy must be more robust to protect trees hedges and woodland from developers.

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

Policy SP22: Green and Blue Infrastructure

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

Support or Object - Legally Compliant:

No

Support or Object - Sound:

No

Support or Object - Complies with the Duty to Cooperate:

No

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

South Tyneside Council is backing the 'Ocean Emergency', this needs to be reflected in this Plan to be positively prepared. In supporting the 'Ocean Emergency' the Council demonstrates an understanding that it is important to recognise that sewage pollution harms the marine environment due to a myriad of causes including the fact it contains high levels of microplastics, sewage also includes all the drugs and bugs that we have, including chemotherapeutic drugs and all the chemicals from cleaning products. This all forms a soup which encourages genetic mutation in the bugs which helps them resist the effects of the antimicrobials we have now. The prediction is that in 10 years time as many as 50 million people will die every year from conditions that we now control but should they gain resistance from the drugs we've got then we are going to be in trouble. Public Health is a material planning consideration. We consider it hypocrisy for the Council to publicly support the 'Ocean Emergency' campaign and propose development in the Local Plan that does not reflect the support of an 'Ocean Emergency' in failing to address the present lack of capacity in the sewage system which to date has led to an astonishing and unacceptable figure of over 500,000 tonnes of sewage being discharged at Whitburn for over 23 years via Long Sea Outfall. This must be addressed by the this Plan if it is to be considered 'sustainable' and positively prepared.

Sewage pollution is a contributor to climate change so Policy SP22 is not compatible with 10 and Policy 11 to deliver Policy SP15 Climate Change. This policy "sets the principles for mitigating and adapting to climate change and ensures that large scale development and associated infrastructure is future proofed and resilient to future impacts." This must include the infrastructure for waste water to be positively prepared as well as sustainable.

Furthermore, recently provided evidence shows that the rock pools at Whitburn, have been decimated by sewage pollution, as have the sea meadows in the Tyne estuary. Seagrasses can absorb more carbon up to 40 times faster than terrestrial forests and these ecosystems become sources of CO2 emissions when they are degraded or destroyed. A major driver of seagrass decline is nutrient pollution from sewage. A study has shown that 90% of the seagrass meadows in the UK have been lost to pollution. Locally, the seagrass meadows in the River Tyne estuary have been devastated by sewage flowing from nearby Combined Sewer Overflows. This show the Plan is not sustainable or positively prepared as he Council has failed to deliver Pledge 2 (Paragraph 5) of the 'Motion for the Ocean' agreed by the Council in approving the two developments. This Pledge states:"The Council pledged to consider Ocean Recovery in all strategic decisions, plans, budgets and approaches to decisions by the Council (particularly in planning, regeneration, skills and economic policy)". The amount of sewage discharged into the North Sea at Whitburn was not considered and does not inform the decision to include sites which feed into the Whitburn sewage system. Therefore this Plan cannot be positively prepared.

Sewage pollution causes harm to public health, so the decision to include these sites cannot be based on the objectively assessed needs of the community. Recent epidemiological studies show a close relationship between contact with polluted waters and the incidence of gastro-intestinal, eye, ear, nose and throat infections or irritations and respiratory symptoms. This is a recognised problem for surfers, kite surfers, windsurfers, sailors, kayakers and wild swimmers. Even the dog walkers, joggers and walkers who all enjoy the access to South Tyneside's riverside and beaches throughout the year are at risk from sewage pollution. In the summer of 2023 over 80 athletes became ill after competing at the international triathlon event in Sunderland. We understand that the North East Health Protection Unit i conducted an inquiry into the reasons why this happened. An article in The Guardian on Saturday 5th August 2023 stated:

"An Environment Agency sampling at Roker beach on Wednesday 26 July, three days before the event, showed 3,900 E Coli colonies per 100ml, more than 39 times higher than typical readings the previous month. E coli is a bacterial infection that can cause stomach pain and bloody diarrhoea."

Public Health is a material planning consideration. Local authorities have important and wide-ranging public health functions, for example under the Public Health, the Control of Disease Act (1984). This legislation adopts an 'all-hazards' approach and provides South Tyneside Council with the necessary powers to control human health risks arising from infection or contamination of any form including chemicals and radiation. Statutory duties for public health were conferred on local authorities by the Health and Social Care Act (2012). Local authorities (and directors of public health acting on their behalf) now have a critical role in protecting the health of their population, both in terms of helping to prevent threats arising and in ensuring appropriate responses when things do go wrong. Strategic Objective 2 which is concerned with 'Promoting Healthy Communities' has not been addressed in Policy 11 so cannot be positively prepared or based on objectively assess needs.

Health considerations are capable of being material planning considerations. This is recognised in the NPPF which includes the following statement at paragraph 91. 91: "Planning policies and decisions should aim to achieve healthy, inclusive and safe places."

The health implications of exposure to the levels of sewage pollution regularly discharged into the River Tyne and on to the beaches of South Tyneside must be a material planning consideration with respect to future developments as, without an improvement in sewage treatment capacity, more development will bring about an inevitable increase in sewage pollution. This means that Policy SP22 alone with Policy 10 and Policy 11 do not deliver:

Strategic Objective 3: "To ensure that development in South "To ensure that development, infrastructure, and communities are resilient to the effects of climate change and are designed to adapt to and reduce the effects of climate change."

Strategic Objective 5: "To reduce and mitigate the local causes of climate change, mitigate flood risk and other impacts that support the move to a zero-carbon future by 2030".

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.:

Check for sewage capacity in the existing network before putting sites forward for development - fulfil legal requirement.

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

Policy SP25: Infrastructure

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

Support or Object - Legally Compliant:

No

Support or Object - Sound:

No

Support or Object - Complies with the Duty to Cooperate:

No

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

Policy SP25 Infrastructure is not positively prepared as it states in paragraph 4 "Ensuring that the design of infrastructure takes climate- change resilience into account." This Council has failed to discharge its legal duty to ensure that there is sewage capacity in the existing network to cope with the proposed new development. In short the LPA is not discharged its 'Tameside duty', which derives from Lord Diplock's speech in Secretary of State for Education and Science v Tameside MBC [1977] AC 1014, where he said (at page 1065B):

"The question for the court is, did the Secretary of State ask himself the right question and take reasonable steps to acquaint himself with the relevant information to enable him to answer it correctly?".

According to the 'Tameside duty' the LPA as a public body has a duty to carry out a sufficient inquiry prior to making its decision. This has not happened.

Sewage pollution is a contributor to climate change so Policy SP25 must deliver Policy 10 and Policy 11, also Policy SP15 Climate Change, this policy "sets

the principles for mitigating and adapting to climate change and ensures that large scale development and associated infrastructure is future proofed and resilient to future impacts.” This must include the infrastructure for waste water to be positively prepared as well as sustainable. Quite clearly this is not the case as there is no joined up thinking between these policies.

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.:

Amend Policy SP25 to include a more robust statement about the design of infrastructure which takes climate- change resilience into account.

This Policy, or the Plan as a whole is not legal without regard to the Sewage collection and treatment capacity which is a material planning consideration. This Policy needs to ensure sewage infrastructure complies with the Urban Waste Water Treatment Regulations 1994 (UWWTR). This is ignored in all documents and Policies relating to this Plan. Consequently millions of tonnes of untreated sewage has been discharged into our rivers and coastal waters, due to the lack of capacity in the system. The LPA cannot keep adding housing without an upgrade to the system and ignoring facts so that they can do just that.

The role of Northumbrian Water (NWL) is to provide a system of public sewers to ensure effective drainage. The role of the Local Planning Authority (LPA) is to ensure there is sufficient sewage treatment capacity before granting planning permission. The Local Plan is not in compliance with the UWWTR 1994.

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:

Gillian Johnston

What is your email address?

Email address:

[REDACTED]

Who are you responding as?

Resident or Member of the General Public

Organisation:

What is your postal address?

Address:

[REDACTED]

South Tyneside Local Plan - Representations - Avant

Sun 3/3/2024 4:32 PM

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

📎 2 attachments (3 MB)

280224 ST Reprs Feb jr Final.pdf; Cleadon Lane Whitburn - Promo Doc final_.pdf;

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

Dear Planning Policy

Please see attached representations by Avant relating to land north of Cleadon Lane, Whitburn.

If you could please acknowledge receipt of this.

Kind regards.

James Rawlings
Strategic Land Manager

Avant Homes, Avant House, 6 & 9 Tallys End, Barlborough, S43 4WP

This e-mail is from the Avant Homes group of companies. Avant Homes Group Limited, is registered in England & Wales with registered number 09304211 and its registered office is at Avant House, 6 and 9 Tallys End, Barlborough, Chesterfield S43 4WP. Avant Homes (Scotland) Limited is registered in Scotland with registered number SC024489 and its registered office is at Argyll Court, Castle Business Park, Stirling, FK9 4TT. Avant Homes (England) Limited is registered in England & Wales with registered number 01043597 and its registered office is at Avant House, 6 and 9 Tallys End, Barlborough, Chesterfield S43 4WP. Avant Homes (Central), Avant Homes (Midlands), Avant Homes (North East), Avant Homes (Scotland) and Avant Homes (Yorkshire) are operating divisions of the Avant Homes group of companies. This message is intended only for the named addressee(s) and may contain confidential and/or privileged information. If you are not the named addressee you should not disseminate, copy or take any action or place any reliance on it. If you have received this message in error, please return to the sender by replying to it and then delete the message and any attachments accompanying it from your computer immediately. We may monitor all e-mails sent to or from this or any other office of the firm for compliance with our internal policies. Internet e-mail is not necessarily secure. We do not accept responsibility for changes made to this message after it was sent.

This email message has been delivered safely and archived online by Mimecast.

For more information please visit <http://www.mimecast.com>

Sent by Email only: local.plan@southtyneside.gov.uk

Dear Planning Policy Team,

South Tyneside Publication Draft Local Plan 2023–2040

1. Avant Homes welcomes the opportunity for further engagement throughout the plan-making process and the opportunity to appear at the Examination in Public. We trust that you will confirm that the representations are duly made and will give due consideration to these comments.
2. The Council are proposing a Plan period from April 1st 2023 to 31st March 2040, with the Council assuming that the Plan will be adopted in approximately 2025, policies should be set within a vision that looks further ahead (at least 30 years), to take in account the likely timescale for delivery.

Policy SP2: Strategy for Sustainable Development to meet identified needs

Policy SP2 is not considered to be sound as it is not positively prepared, not justified and not consistent with national policy.

3. The Plan will deliver 5,253 new homes (309 dpa) which is a reduction in the housing requirement from the previous consultation document which proposed 5,778 net additional dwellings (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.
4. Given the proposed employment to be delivered in the area, and economic growth that the council aspires to, then this should be reflected within the housing numbers and that balance between both employment and housing be demonstrated.
5. The SHMA (2023) identified a need for an additional 361 affordable units per year, including social / affordable units or intermediate tenure. The Council

should also be taking this affordable housing requirement into consideration as part of their housing requirement.

Policy SP3: Spatial Strategy for sustainable development

Policy SP3 is not considered to be sound as it is not positively prepared, not justified and not consistent with national policy.

6. Overall, Avant Homes North East supports the spatial strategy of the draft Local Plan 'to focus housing development in the main urban area of South Shields, Hebburn, Jarrow and the villages on allocated sites and to amend the Green Belt boundary at Hebburn, Fellgate, Whitburn, Cleadon, East Boldon and West Boldon'.
7. Moreover, to 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 is supported by Avant.
8. The Spatial Strategy allocates 6 Urban and Village Sustainable Growth Areas at Whitburn village, Cleadon, and East Boldon. These Urban and Village Sustainable Growth Areas will be able to deliver approximately 1108 new homes during the plan period. The principal of this distribution is supported as an overall strategy for sustainable development in South Tyneside until 2040. However, it is believed that policy to secure the sustainability of the village of Whitburn requires an amendment in terms of distribution levels of housing. It is currently proposed that a total of 71 homes are allocated to Whitburn within the plan-period, which equates on average just 4.7 new homes a year in Whitburn Village. Of the 1108 homes allocated to these areas, the distribution to Whitburn Village seems disproportionately low. Between the settlements, just 6.4% of the 1108 homes is allocated to Whitburn Village throughout the plan period. It is considered that further housing allocations are required in Whitburn Village to enable it to secure the sustainability and vitality that policy seeks to do.

Policy SP4-8: Housing Allocation

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

9. In accordance with the Plan's chosen spatial strategy and housing distribution, SP7 Urban and Village Growth Areas allocates a number of Green Belt sites for development. To support these allocations, the Green Belt

boundary will be amended through the Local Plan. Sites should be selected where they can deliver well-defined and robust boundaries that will bolster the permanence of the Green Belt and provide a more robust barrier to future encroachment. It is noted 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 or cycling routes and improved access to new, enhanced or existing recreational and playing field provision. Sites allocated should be capable of delivering this.

10. It is important that a strategy is put in place which provides a sufficient range of sites to provide enough sales outlets to enable delivery to be maintained at the required levels throughout the plan period. The Council's overall HLS should include a short and long-term supply of sites by the identification of both strategic and non-strategic allocations for residential development. Housing delivery is optimised where a wide mix of sites is provided, therefore strategic sites should be complimented by smaller non-strategic sites. The widest possible range of sites by both size and market location are required so that small, medium and large housebuilding companies have access to suitable land to offer the widest possible range of products.
11. It is deemed that land north of Cleadon Lane, Whitburn should be included as a residential allocation given the sites ability to meet the actual need of Whitburn throughout the plan period whilst also being deliverable and suitable. The attached document (Site promotion document – Cleadon Lane, Whitburn) demonstrates that new green infrastructure corridors and landscaping can be achieved on this site that will create a biodiversity net gain and also a robust Green Belt boundary to the west of Whitburn.

Policy SP16: Housing Supply and Delivery

Policy SP16 is not considered to be sound as it is not positively prepared, not justified and not consistent with national policy.

12. Whilst it is acknowledged that there is some level of development distributed to Whitburn Village, it is of a much lower quantum than in the previous version of the local plan and also it does not correspond with the policy SP3 as the level of development would not secure the sustainability and vitality of the settlement.
13. On larger sites, timeframes for delivering sites that are larger than 1000 dwellings take circa 6 years from submission of a planning application

through to delivery of the first dwelling and can take longer. Larger sites do have the benefit of having the ability to have multiple outlets but its still likely that there would only 60–90 dwellings delivered off these sites per annum. A mix of housing sites of varying scales are required to meet demand and supply across the plan period and ensure that there is not stagnation leading into the next local plan period.

14. Any amends following Green Belt review should be comprehensive and future proof further potential growth over the plan period and also beyond. In setting the housing requirement at the standard method minimum the Council will struggle to meet the delivery of the required new homes should anything go wrong with any of the allocated or committed sites. In short there is insufficient headroom built into the Plan. consideration of safeguarded land which would ensure that the Council can meet the longer-term development needs and maintain an appropriate spatial strategy should be included within the local plan. The HBF considers that this is not in line with the NPPF which states that when defining green belt boundaries plans should be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period.

Future Engagement

15. Avant wish to be kept informed of all forthcoming consultations upon the Local Plan and associated documents.



Promotional Document

[Cleadon Lane, Whitburn, South Tyneside]
[February 2024]

AVANT
homes

Contents

1.0 – Site and Surroundings

2.0 – Planning Policy

3.0 – Sustainability

4.0 – Green Belt Assessment

5.0 – Technical Considerations

6.0 – Masterplan Development

7.0 – Summary



01. [Site and Surroundings]

1.0 Site and Surroundings

The Site is situated to the west of Whitburn and to the north of Cleadon Lane, also having frontage onto Wellends Drive and Wellends Lane to the east. It is irregular in shape, extending to circa 68.4 acres/27.7ha gross and is currently utilised for agricultural purposes. The site comprises 8 agricultural fields to the west of Whitburn.

It is bordered by residential dwellings to the east, agricultural land to the north and west, and the highway of Cleadon Lane to the south. To the north east of the site is Wellhouse Farm which comprises a number of agricultural buildings. Land to the south east was an emerging housing allocation and is currently playing fields.



Whitburn is located approximately 4 miles north of Sunderland city centre, 4.5 miles south of South Shields town centre and 11 miles south east of Newcastle upon Tyne. Road access to Whitburn is principally provided from the A183 coast road which connects the village to South Shields and Sunderland in the north and south respectively. The B1299 connects Whitburn to the neighbouring village of Cleadon to the west.

Whitburn is well connected in terms of public transport provision, with Seaburn metro station located 2.5 miles to the south of the site which provides connections to over 50 local destinations, including Newcastle International airport. Sunderland train station is located 4 miles to the south within the city centre which provides daily connections to key national destinations including London Kings Cross. A number of bus routes run through the heart of the village via the A183.

02. [Planning Policy]

2.0 Planning Policy

Adopted Local Plan

The site is currently designated as Greenbelt in the adopted South Tyneside Core Strategy (2007). The Spatial Strategy within the adopted Plan defines Whitburn as a Village.

Emerging Local Plan

South Tyneside commenced work on a Plan Review in 2018, with a Local Plan Pre-Publication Draft (Regulation 18) consultation taking place between 19th August and 11th October 2019.

Policy H1 of that document set out a housing requirement of 350 dwellings per annum over the plan period from 2016 – 2036. This policy also provided that ‘to ensure that the Borough’s overall housing requirement is met, provision is made for the delivery on allocated sites of at least 397 dwellings within the designated Whitburn Neighbourhood Forum Area’.

In order to deliver this requirement within Whitburn, the Regulation 2019 18 consultation proposed to allocate 5 sites within Whitburn (see plan adjacent).

The Publication Draft (Regulation 19)

Consultation on a new draft Local Plan (the Regulation 19 Publication draft) will take place between Monday 15 January and Sunday 3 March 2024. The plan will cover the 2023 -2040 period. The overall housing requirement for the Plan period (1st April 2023 to 31st March 2040) is 309 dwellings per annum. This produces an overall minimum housing requirement of 5,253 new homes.

Policy SP3 (Spatial Strategy for Sustainable Development) states that securing the sustainability and vitality of the villages of Cleadon, Whitburn and the Boldons by supporting growth which respects the distinctive character of each village.

However, they go on to only make provision for the delivery of at least 71 new homes within the designated Whitburn Village Neighbourhood Forum Area. This works out on average of just 4 new homes in Whitburn per year throughout the Plan Period.



Local Plan Extract



Pre-Publication Draft (Reg 18)



Publication Draft (Reg 19)

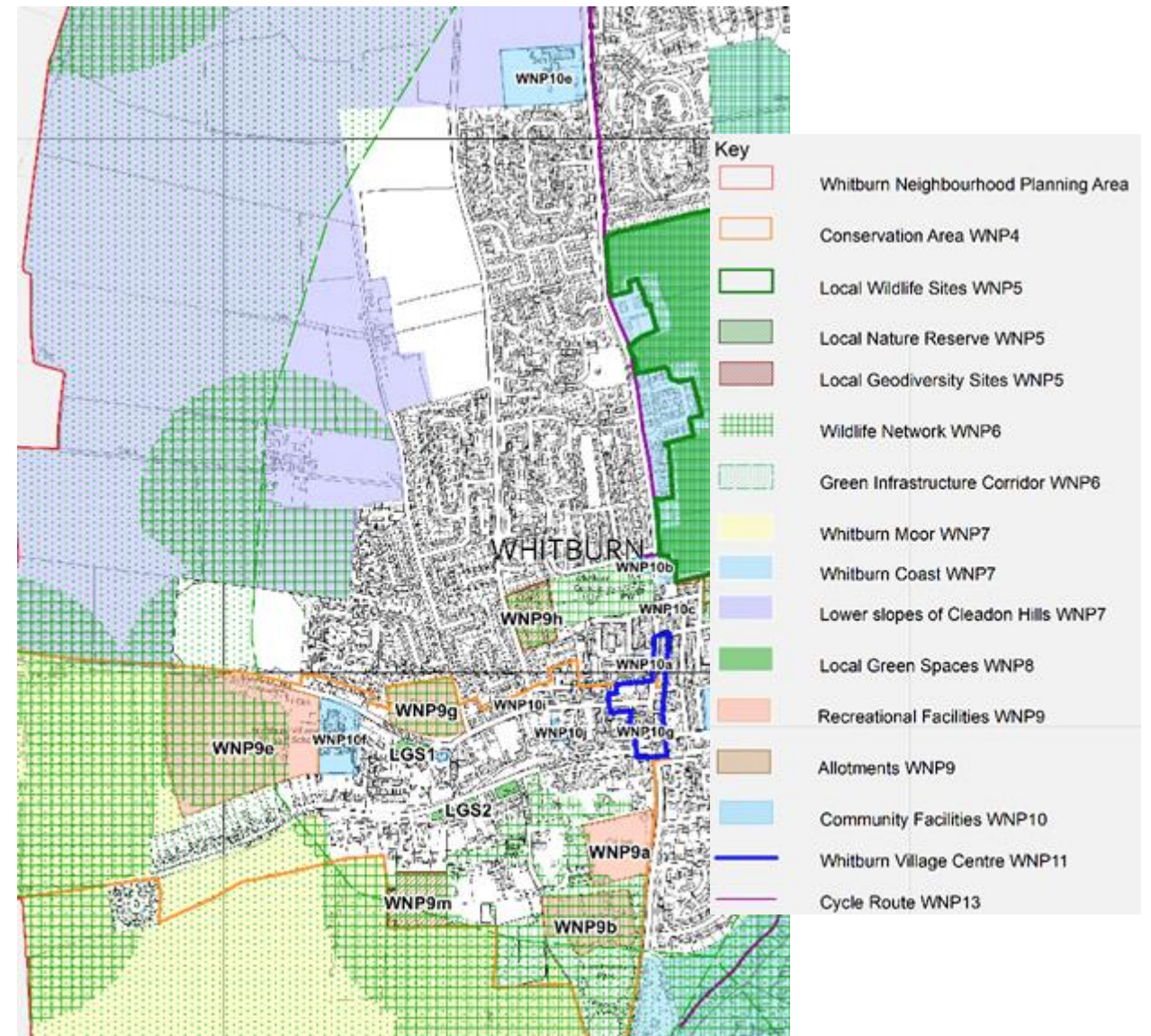
2.1 Local Policy

Whitburn Neighbourhood Plan - 2021 to 2036 (adopted 2022)

WNP2 Whitburn Design Guidelines (WNP)

Proposals for new built development in Whitburn must demonstrate how the scheme incorporates the principles of high quality and sustainable design. In particular, regard should be had to the principles set out in the Whitburn Design Guidelines (2019) and how the proposal:

- a) integrates with existing paths, streets and circulation patterns; and reinforces or enhances the established village character of streets, squares and other spaces; and
- b) reflects, respects and reinforces local architecture and local distinctiveness, including through the use of sustainable modern design where appropriate; and
- c) respects surrounding buildings in terms of scale, height, form, materials and massing; and
- d) has considered the impact of the proposal on the rural character and views through a Landscape and Visual Impact Assessment; and
- e) conserves the setting of the England coastal path and its immediate hinterland; and
- f) where appropriate and feasible, incorporates landscaping and provision of open space into any scheme, including the retention of healthy trees and hedgerows and the provision of new hedgerows, trees, and other habitats as an integral part of the scheme; and
- g) incorporates opportunities for sustainable design to support the transition to a low carbon future adaptive to climate change in accordance with Policy WNP3.



3.0 [Sustainability]

3.0 Sustainability



All the adjacent amenities are within a 2.5 mile radius of the site. Most of which are within 1 mile.

Education

Nursery

Kids 1st Nursery - 22 min walk / 2 min drive

Cleadon Towers Nursery - 42 min walk / 6 min drive

Primary

Whitburn Village Primary School - 6 min walk / 1 min drive

Marsden Primary School - 34min walk / 5 min drive

Ridgeway Primary Academy - 48 min walk / 5 min drive

Secondary

Whitburn C of E Academy - 19 min walk / 4 min drive

Cleadon C of E Academy - 27 min walk / 3 in drive

Other

Epinay School - 39 min walk / 4 min drive

L E Performing Arts - 15 min walk / 2 min drive

Harton Sixth Form - 59 min walk / 8 in drive

Healthcare

Whitburn Surgery - 17 min walk / 3 min drive

Fulwell Medical Centre - 52 min walk / 7 min drive

South Tyneside District Hospital - 8 min drive

Marden Road Health Centre - 9 min drive

Food Shopping

Whitburn convenience store - 11 min walk / 4 min drive

Whitburn Co-op - 16 min walk / 2 min drive

Morrisons - 31 min walk / 5 min drive

Sainsbury's - 51 min walk / 7 min drive

Recreation

Cornthwaite Play Area - 19 min walk / 3 min drive

Whitburn Beach - 31 min walk / 5 min drive

Whitburn Nature Reserve - 37 min walk / 6 min drive

Cleadon Hills Nature Reserve - 35 min walk / 4 min drive

Seaburn Recreation Ground - 40 min walk / 7 min drive

4.0 [Green Belt Assessment]

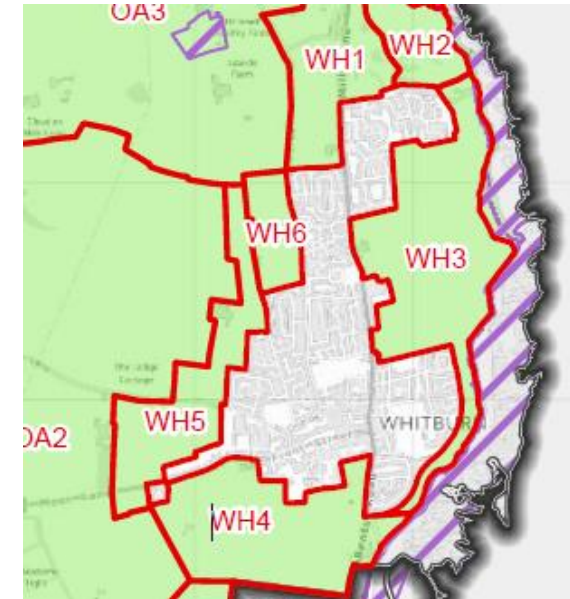
4.0 Green Belt Assessment

Site Selection Topic Paper – This site is an area for mineral safeguarding and forms part of the green belt. The site is not suitable due to Green Belt impacts – See Green Belt Study (forms part of GB Study ref WH5)

SHLAA (SWH048 – Land south of Wellhouse Farm) – The site is not considered to be suitable due to Green Belt impacts.

Green Belt Study SWH048 (eastern end) The harm ratings for the parcel as a whole also apply to the above promoted sites that fall within or partially within this parcel.

The site has been considered on an individual basis against the purposes of Green Belt as per the beneath table. It is considered that the site scores better than it was previously when the design aspects of the proposal are taken in to consideration.



Purpose	WH5	OA2	Site Specific Assessment
Purpose 1 - Check the unrestricted sprawl of large built-up areas	High	Very High	The proposed landscape buffer to the west of the site will create a defined boundary edge to the settlement and the development. (medium)
Purpose 2 - Prevent neighbouring towns merging into one another.	High	Very High	The proposed will not lead to the merging of settlements and as the proposed masterplan demonstrates, will create a stronger and more defined boundary to the west of the settlement. (medium)
Purpose 3 - Assist in safeguarding the countryside from encroachment.	High	Very High	The impacts of 'encroachment' into the countryside would be minimal. The proposal would create a much stronger buffer to (high)
Purpose 4 - Preserve the setting and special character of historic towns.	Low / No	Low / No	The proposed development will not affect the setting of any Conservation areas. (low/no)
Purpose 5 - Assist in urban regeneration, by encouraging the recycling of derelict and other urban land.	Equal	Equal	N/A (equal)

5.0 [Tech Considerations]

5.0 Technical Considerations

Access

Vehicular access to the development site is to be accommodated via Cleadon Lane primarily with a potential secondary access from Wellands Drive.

Bede's Way, an existing public right of way route running through the site will be retained with further footpath connections created within the development promoting accessibility.

A primary and secondary access on Cleadon Lane and in the form of T-junctions are proposed to accommodate vehicular traffic to and from the site.

Landscape

The western limits of the conservation area are defined by a strong natural boundary of fine elm trees, stretching between Cleadon Lane and Moor Lane.

Flood Risk

The site is located within Flood Zone 1. Land within flood zone 1 has a low probability of flooding from rivers and the sea.

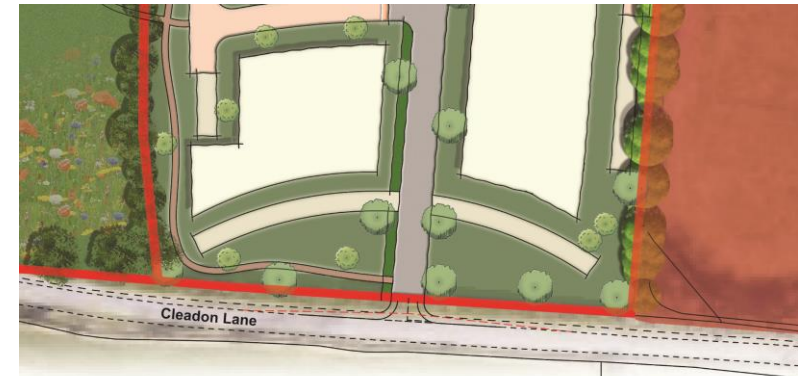
Ecology

The proposed development would restore, maintain and enhance the connectivity and biodiversity value, landscape value and where relevant, recreational value of the areas of local green infrastructure. The retention of existing hedgerows where possible has been incorporated into the masterplan.

Heritage

To the south of the site, is Whitburn Conservation Area. Land between Moor Lane and Cleadon Lane is within the Conservation Area. Proposed development would be respectful in its design and take influence and design cues from the existing built environment.

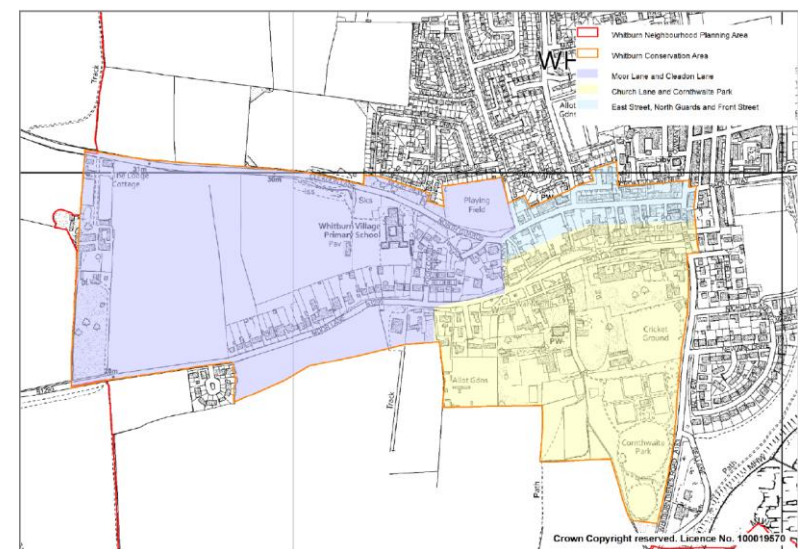
Proposed Main Access



Existing Public Right of Way

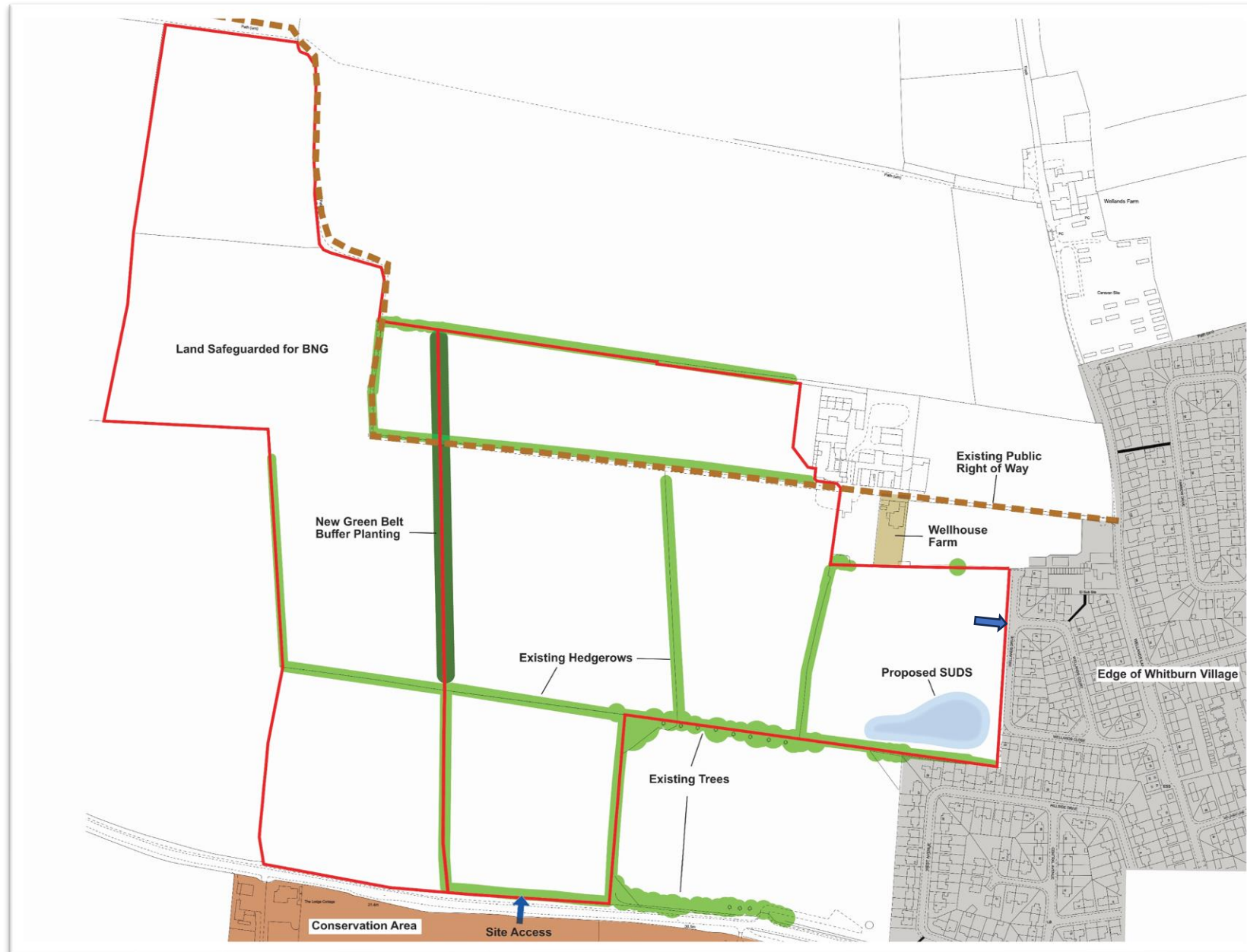


Whitburn Conservation Area



6.0 [Masterplan Development]

6.0 Opportunities and Constraints



Opportunities and Constraints Plan

An assessment of the site has indicated several opportunities and constraints which have been factored in when informing the design of the proposed site layout. These are identified on the adjacent plan and described below.

- To create a stronger edge to the green belt new buffer planting is to be incorporated such as trees and hedgerows running North South.
- The Western piece of land will be safeguarded for enhancement to improve upon the Biodiversity Net Gain of the site.
- The existing public right of way will be retained which provides good footpath connections and walking routes around the development connecting the site to its surroundings.
- There are a number of existing lines of hedges and trees running through the development site which will be retained as much as possible. This is beneficial for BNG whilst creating attractive places to live and provides designated walking routes through the site connecting the different areas of designated Public Open Space.
- An attenuation basin has been proposed to the East as this forms the lowest part of the site.
- The main site access is proposed from Cleadon Lane with a proposed secondary access served from Wellands Drive to the East.
- To the east of the site is the edge of Whitburn Village and to the South of Cleadon Lane is a Conservation area. The proposed new development will consider the density and typology of the existing housing and be designed to be sympathetic to its surroundings.

6.0 Indicative Masterplan



The Masterplan Layout adjacent was the next stage in the design process and takes into consideration the parameters set out in the Opportunities and Constraints plan.

As many existing features of the site have been retained as possible such as trees and hedgerows whilst creating an efficient layout that could provide an attractive place to live.

The proposed design provides a cohesive development whilst the streets have individual and differing characters of their own. Continuous building lines have been introduced as they provide definition to, and enclose of, the public realm.

Development cells have been designed to be outward facing to provide good natural surveillance as well as creating a clear delineation between private and public space.

A main tree lined spine road has been shown linking all areas of the site. The road hierarchy then drop down to shred surfaced areas and private drives. The use of the differing road hierarchy's creates character areas and allows for a sense of place throughout the site.

Multiple POS areas have been shown through the site with well connected pedestrian routes which also connect to the existing PROW.

7.0 [Summary]

7.0 Summary

Development should continue to meet the demands of the growing population. Focusing particularly on the requirements of Whitburn, the proposed site at Cleadon Lane provides a logical development site which would assist in ensuring that the district continues to demonstrate a continuing supply of housing land.

The site could deliver circa 400 dwellings including policy compliant affordable housing with a mix of housing to meet local needs. It provides the opportunity to create a strong barrier to the Green Belt whilst enhancing BNG and green corridors.



In summary the scheme aims to fulfil the following key principles;

PROTECT

Protect the visual amenity of adjoining settlements and integrate the development into the existing communities. Develop a special strategy for the entrance green and sustainable drainage system to promote bio and geo diversity credentials.

ENHANCE

Enhance existing boundaries of the site with woodland buffer and specimen tree planting to integrate the proposed development into the surrounding woodland to the east.

COMMUNITY

Springwood Lane will be a place for all, a mixed vibrant community of young and elderly alike, with distinctive places to meet and to learn, engage and experience the surrounding landscape.

LANDSCAPE

The development at Cleadon Lane will respect and complement the landscape setting, whilst strengthening the physical connection and visual relationship between the development and the countryside beyond. Creation of new greenways and corridors set within the development and open space will provide opportunity for community enjoyment and wildlife connectivity.

PLACEMAKING

Our vision and ethos centres on creating places and communities, not just housebuilding. A remarkable landscape setting offers us an opportunity to create a unique place that future residents can call home.

This promotional document has demonstrated how the design of the site at Cleadon Lane, Whitburn accords with relevant national and local planning policy.

By following an established set of design principles, the scheme would incorporate a variety of dwelling types with good permeability, strong links to public transport, safe and secure access to public open space and a good variety of built form which is reflective and complimentary to the existing built form within the locality.

The careful consideration of the structure, massing, streetscape, landscaping and materials ensures that the development would be in context with the adjacent area, creating an attractive, distinctive and aspirational scheme.

These elements will ensure the creation of a pleasant environment to live.

Summary of development

- Number of Dwellings:** Circa 400 units
- Dwelling Type:** Detached, Semi Detached, Terraced
- Bedroom Range:** 1, 2, 3, 4 & 5 bedroom

Local Plan (Regulation 19 Publication draft) Representation - Mr G Alderslade

Sun 3/3/2024 11:20 AM

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

Cc: [REDACTED]

📎 2 attachments (2 MB)

Letter - Mr G Alderslade - West Fellgate Farm.pdf; Local Plan Consultation Form - Mr G Alderslade - West Fellgate Farm.pdf;

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

Dear Sir/Madam,

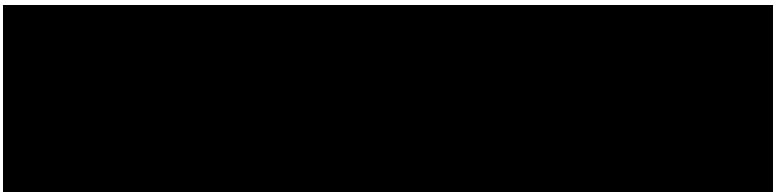
Please find attached a Consultation Form and a letter regarding the above Local Plan consultation, on behalf of our client, Mr G Alderslade of [REDACTED]

Kind regards,

Simon

Simon Blacker MRTPI
Chartered Town Planner

PFK



To read PFKs legal notice, [click here](#)



Regulation 19 Local Plan Consultation Representation Form

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

Data Protection and Freedom of Information

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

This form has two parts:

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

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

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

Part A: Your Details

	Personal Details*	Agent’s Details (if applicable)
Title	Mr	Mr
First Name	Geoff	Simon
Last Name	Alderslade	Blacker
Job Title (where relevant)		
Organisation (where relevant)		PFK Rural
Address		
Postcode		
Telephone		
Email		

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

Part B

Please fill in a separate form for each representation

Name or organisation	Simon Blacker - PFK Rural
Client (if relevant)	Mr Geoff Alderslade

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

Paragraph	
Policy	SP3, SP8
Policies Map	

Section 2: Legal Compliance & Duty to Cooperate

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

Section 3: Details of Representation

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

We wish to object on behalf of our client to the soundness of the Local Plan, with specific relation to the development of the greenbelt land through Policies SP3: Spatial Strategy for Sustainable Development and SP8: Fellgate Sustainable Growth Area.

See attached information for further details.

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.*

The necessary change to make the Local Plan sound would require the removal of the proposed Fellgate Sustainable Growth Area.

(Continue on a separate sheet if necessary)

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

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

Section 5: Participation at the Examination

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination? <i>(Please select one answer with a tick)</i>			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

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

Section 6:

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:
To discuss the loss of Green Belt land within the Local Plan.

Section 7: Being Kept Informed

Would you like to be kept informed of the progress of the Local Plan through to adoption? <i>(Please select one answer with a tick)</i>			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

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.

SB/24/006

22 February 2024

FAO Spatial Planning
Development Services
South Tyneside Council
Town Hall and Civic Offices
South Shields
NE33 2RL

By Email to: local.plan@southtyneside.gov.uk

Dear Sir/Madam,

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

Please find below representations to the above planning application, on behalf of our client Mr Geoff Alderslade o [REDACTED]

As background to the representations, the family have been tenants on the farm since the 1800s and our client's son [REDACTED] will be the 5th generation. It was a dairy farm until March 2002 and since then they have diversified to accommodate over 50 livery horses belonging to local residents on permanent pasture. Hay and Haylage is also grown and supplied to other horse owners and livery yards within South Tyneside. The remainder of the land is arable, growing wheat, barley, oil seed rape and beans. The property sits in a prominent location within an area of historic open countryside of local interest, extending towards Boldon Colliery to the east, and Concord and Washington to the south. Forming part of this open countryside is a well-established area of Green Belt designation which forms predominant area coverage immediately south of Fellgate.

We wish to object on behalf of our client to the soundness of the Local Plan, with specific relation to the development of the Green Belt land through Policies SP3: Spatial Strategy for Sustainable Development and SP8: Fellgate Sustainable Growth Area. Both policies include the loss of a significant area of Green Belt land at Fellgate, on land that our client currently farms as described above. The Proposed Fellgate Area is noted in Pink on the Local Plan map extract below.

Main Office: 10 The Courtyard, Edenhall, Penrith, Cumbria, CA11 8ST [REDACTED]

Mart Office: Agricultural Hall, Skirsgill, Penrith, Cumbria, CA11 0DN

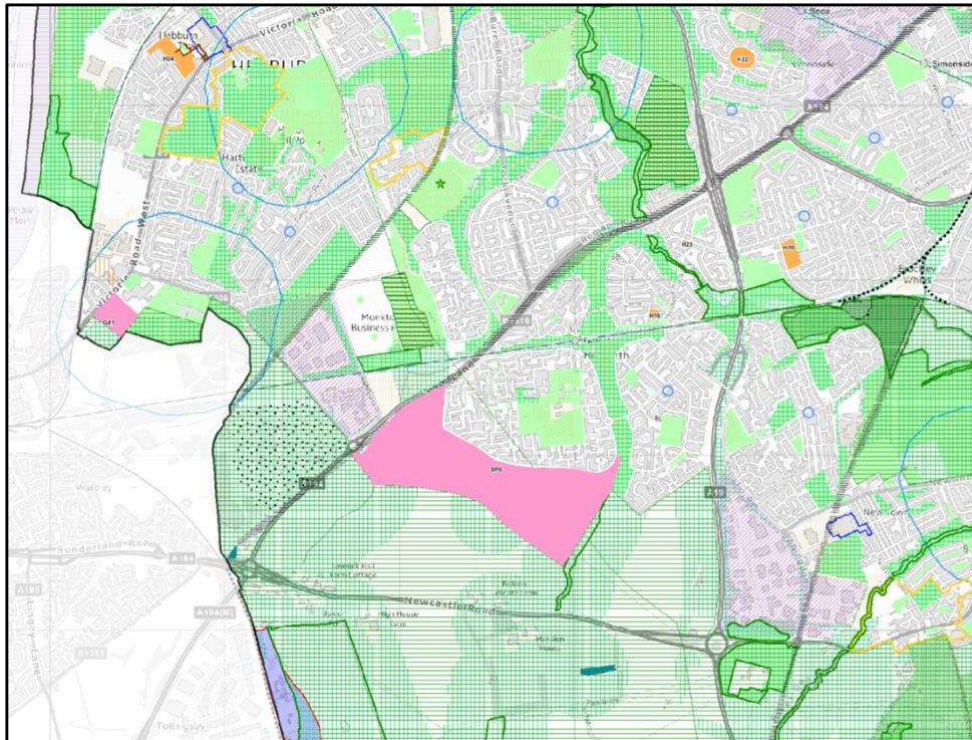
W: pfkrural.co.uk

Regulated by RICS. Registered in England No: 09470245

Registered Office: 10 The Courtyard, Edenhall, Penrith, Cumbria, CA11 8ST

Vat Reg No: 441 2142 43





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

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

We do not consider the Local Plan in its current form to be sound. Whilst it is recognised that the Council have taken a positive approach towards enabling for the delivery of sustainable growth (in particular sustainable housing delivery) it is thought that the level of housing delivery proposed (and subsequent associated development) would not be justified given the significant adverse impacts upon Green Belt land.

The Fellgate Sustainable Growth Area is allocated under Policy SP6 and to facilitate the appropriation of this Policy, a large extent of Green Belt land would be lost. It is not considered that this level of Green Belt release in a single location is justified in light of the clear presence of brownfield redevelopment opportunities and other unmet housing needs across the borough. Notably, this would be in direct conflict with national planning policy presented in the NPPF as detailed above.

Firstly, it does not appear that the proposed large-scale allocation on Green Belt land is justified. Below is an extract from the Site Selection Local Plan document from the evidence base. It is noted within this that the site is considered moderate in terms of the Green Belt, is a wildlife corridor, has surface water issues which in turn have a negative effect against climate change, and significant negative effects against biodiversity, mineral working and green infrastructure. Given the above considerations, it is surprising that this was considered suitable as an allocation area. It seems from the text that the potential of housing and jobs was given a priority over the above negative impacts. In addition, the fact that the site is considered to have moderate impact now in terms of the Green Belt is apparently different to a 2016 study that detailed that the site was unsuitable for development.

SFG075	Urban Extension C – Land South of Fellgate	Greenfield	This site is an area of agricultural land south of Fellgate. The site is situated south west of the Fellgate Estate and to the east of the A194. The site performs moderately against the principles of the Green Belt. The site is in close proximity to a LWS and forms part of the wildlife corridor. The sustainability appraisal identifies a minor negative effect against climate change due to surface water flooding, and significant negative effects against biodiversity, mineral working, efficient land use and green infrastructure due to its proximity to existing designations and scale of the site. Due to the sites size and ability to provide a large number of houses and jobs, significant positive effects are identified against economic and housing objectives. The SHLAA identifies that the site is available, suitable and achievable. The site has been allocated as it is considered to be a sustainable and suitable location for residential development.	Allocate site SP6	The Green Belt Study (2023) identifies the site as having a moderate effect on the Green Belt. The open space assessment identifies part of the site being good quality accessible natural green space. The Sustainability Appraisal 2023 identifies no effects on economic growth or employment.	Allocate Site SP8
--------	--	------------	---	-------------------	---	-------------------

Secondly, it does not appear that the allocation is effective, in relation to the cross-boundary strategic matters. No copies of the responses received from the neighbouring authorities, or the nature of the consultation have been made available to form the evidence of the Local Plan, so therefore it is not possible to establish if the additional housing could be accommodated elsewhere, before allocating a site within the Green Belt.

Finally, the Local Plan must be in accordance with National Planning Policy to be considered sound. This Local Plan is not considered to be in relation to the release of Green Belt land required for the housing allocation.

On Green Belts, the NPPF states the overarching purposes of the Green Belt (Paragraph 138) which are to:

- a) check the unrestricted sprawl of large built-up areas;
- b) prevent neighbouring towns merging into one another;

- c) assist in safeguarding the countryside from encroachment;*
- d) preserve the setting and special character of historic towns; and*
- e) assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

This continues in Paragraph 140, stating the following:

“Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period.”

The final relevant NPPF paragraph on Green Belt land is 141, stating as follows:

“Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph, and whether the strategy:

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

Regarding paragraph “a”, it has not been proven that all brownfield sites have been considered, in relation to either the Plan area, or in particular the adjacent Council boundaries.

There are underutilised sites such as areas in South Shields town centre where previously developed land is used for car parking rather than housing, and also the former army site at Boldon.

These are areas close to South Shields transport interchange and so would satisfy paragraph “b” the need to promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport.

A further statement which is insufficient is paragraph 4.32, Sustainable Urban and Village Extensions:

“The Council has undertaken an extensive Green Belt review to identify land which would cause the least harm to the purposes of the Green Belt, that is considered suitable for development, and that could create a new defensible Green Belt boundary. Through this

Response from South Tyneside Green Party

Cllr Shirley Ford · [REDACTED]

Fri 3/1/2024 9:15 PM

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

📎 1 attachments (344 KB)

STGP Response to Local Plan 2024.pdf;

Good evening

I am writing to submit this response to the South Tyneside Regulation 19 Local Plan 2024 on behalf of South Tyneside Green Party and also myself and Cllr David Herbert and the other seven Green Party Councillors.

South Tyneside Green Party's postal address is c/o [REDACTED]

I attach the document with our representations and proposed modifications.

We wish to participate at the oral part of the Examination in Public because we are seeking a number of significant modifications to the Local Plan.

Kind regards

Shirley Ford

Green Party Councillor for Cleadon and East Boldon

David Herbert

Green Party Councillor for Cleadon and East Boldon

E: [REDACTED]

South Tyneside Green Party Response to South Tyneside Regulation 19 Local Plan 2024

1. Objection made specifically regarding Policy SP2: Strategy for Sustainable Development

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

Proposed Modification:

This policy must be revised to decrease the number of homes being planned for, in order to meet the requirement to be sound on the basis of being positively prepared, so that it meets the area's objectively assessed needs and is consistent with achieving sustainable development. Notwithstanding the transitional arrangements being applied that this Local Plan should be examined under the September 2023 NPPF, STGP submits that there remains a clear case for a much lower housing requirement figure based on local circumstances and Green Belt constraint.

In SP2 paragraph 4.9 of the Local Plan it states:

"4.9 To determine the minimum number of homes needed, a local housing need assessment has been conducted using the standard method detailed in the national planning guidance. The standard method uses a formula to identify the minimum number of homes expected to be planned for in a way which addresses projected household growth and any historic under-supply. Using this approach the local housing needs assessment has concluded that for the plan period (1st April 2023 to 31st March 2040) 309 dwellings are required every year. This produces an overall minimum housing requirement of 5,253 new homes over the Plan period. The household projections that inform the housing baseline are the 2014-based household projections. This figure could change upwards or downwards based on new data. South Tyneside's housing requirement will not be 'locked in' until the Plan is submitted to the independent Planning Inspectorate."

The Local Plan is based on inaccurate population projections. Census data show a consistently falling population in South Tyneside, from 157,200 in 1991, to 152,785 in 2001, to 148,127 in 2011, to 147,800 in 2021. Yet the Local Plan assumes a population of 151,936 for 2021, an overestimate of 4,136, and that it would continue to increase over the next 20 years.

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

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

The East Boldon Neighbourhood Forum received the following statement from the Department for Levelling Up, Housing & Communities, written by Alan C Scott, Planning policy adviser on behalf of the Secretary of State:

“In 2018 the Framework introduced a standard method for calculating local housing need to make the process simple, quick and transparent. “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”.

The NPPF paragraph 5 and 6 states:

“5. National policy statements form part of the overall framework of national planning policy, and may be a material consideration in preparing plans and making decisions on planning applications.

6. Other statements of government policy may be material when preparing plans or deciding applications, such as relevant Written Ministerial Statements and endorsed recommendations of the National Infrastructure Commission.”

Michael Jenrick, then Secretary of State for Housing, Communities and Local Government, made a Written Statement 16th December 2020:

“There were many consultation responses which did not fully recognise that the standard method for assessing Local Housing Need does not present a ‘target’ in plan-making, but instead provides a starting point for determining the level of need for housing in an area. It is only after consideration of this, alongside what constraints areas face, such as the Green Belt, and the land that is actually available for development, that the decision on how many homes should be planned for is made.”

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

“Today’s update to the National Planning Policy Framework (NPPF)

It provides clearer protection for the Green Belt, clarity on how future housing supply should be assessed in plans and on the responsibility of urban authorities to play their full part in protecting the character of precious neighbourhoods.

*The new NPPF will: facilitate flexibility for local authorities in relation to local housing need; clarify a local lock on any changes to Green Belt boundaries;
The new NPPF makes clear that the outcome of the standard method is an advisory starting point in plan making for establishing the housing requirements for an area.”*

The above is supported by guidance in The House of Commons Library published on 27 August 2021 “Calculating housing need in the planning system (England)” which states in 2.4:

“A starting point, not a target? Land constraints and the standard method. The standard method is intended to be the starting point in determining how many homes an LPA can and should deliver, but is not a target. LPAs must also take account (for example) of land constraints, such as the Green Belt.”

<https://commonslibrary.parliament.uk/research-briefings/cbp-9268/>

This means that South Tyneside Council is able to determine its housing requirement and can take into account the restraint of the Green Belt.

2. Objection to development on the Green Belt, made specifically regarding Policies SP3: Spatial Strategy for Sustainable Development and SP7: Urban and Village Sustainable Growth Areas

These policies are not justified by the evidence and the case for exceptional circumstances to amend the Green Belt boundary has not been made.

Proposed Modification:

The Local Plan must be revised to remove the proposed amendment to the Green Belt boundary to allocate additional land for housing and to withdraw all of the sites proposed for removal from the Green Belt: GA1-6 and SP8.

The Green Belt land allocation in the Local Plan is for 2,308 new homes but there is no justification for building on this precious resource. The Green Belt does not need to be built on and therefore the least harm to this resource is no further development at all on the Green Belt and exceptional circumstances have not been established. The Local Plan must be revised in order to meet the requirement to be sound on the basis of being justified, as an appropriate strategy, taking into account the reasonable alternatives and based on proportionate evidence; and on the basis of being consistent with national policy.

In the Local Plan, Policy SP3: Spatial Strategy for Sustainable Development proposes amending the Green Belt boundary to allocate additional land for housing and Policy SP7 Urban and Village Sustainable Growth Areas proposes the removal of sites from the Green Belt and allocation for housing development.

The Local Plan states in Policy SP3: Spatial Strategy for sustainable development:

“To meet the identified needs in Policy SP2 and to facilitate sustainable growth, the Plan will:

- 1. Support the sustainability of existing communities by focusing growth within the Main Urban Area including South Shields, Hebburn and Jarrow*
- 2. 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*
- 3. Encourage the re-use of suitable and viable brownfield land and, where appropriate, encourage higher development densities.*
- 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*

5. Create a new sustainable, community within the Fellgate Sustainable Growth Area (Policy SP8) by providing homes and community facilities.

6. Prioritise the regeneration of South Shields Riverside, South Shields Town Centre, Fowler Street Improvement Area, and the Foreshore Improvement Area

7. Prioritise economic development in designated Employment Areas, including the Port of Tyne, that are accessible by a range of transport modes and allocate additional land at Wardley Colliery

8. Enhance and strengthen green infrastructure, ecological networks and Green Belt throughout South Tyneside and between neighbouring authorities.

The National Planning Policy Framework (NPPF) states:

“140. Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period”

As demonstrated in Objection 1 above, there is no evidence that the housing requirement for the Plan period is at a level requiring development on the Green Belt. The strategic need has not been proven, for example there has been no cooperation with neighbouring local authorities which have Local Plans that intend to cumulatively build in excess of 19,000 houses above their respective ONS 2018 housing projections.

Sunderland Local Plan – 10,755 excess houses by 2033

Gateshead Local Plan – 6,337 excess houses by 2030

North Tyneside Local Plan - 2,238 excess houses by 2032

A planning appeal decision has confirmed the protected status of the Green Belt. This decision reiterates and reinforces the protection from inappropriate development given to the Green Belt in national planning policy.

Broke Hill golf course

In the Broke Hill case in Sevenoaks, Kent, the Inspector confirmed that, where planning policies protect areas of particular importance and provide a clear reason for refusing the development, the so-called “tilted balance” presumption in favour of granting planning permission does not apply.

For Broke Hill, the planning policies in this case related to protection of the Green Belt. This is especially important as Sevenoaks does not have the required five-year supply of housing land nor has it met the government’s housing delivery test for 2021. The inspector noted a number of benefits of the proposed development including provision of affordable housing. However, he concluded that

notwithstanding the lack of five-year housing supply, the housing delivery test, and the benefits, this did not outweigh the harm that would be caused to the Green Belt, and were not sufficient to override national and local planning policies protecting the Green Belt. “The tilted balance is not invoked, however, because the Framework at Paragraph 11d(i) and footnote 7 protects both areas and assets of particular importance, which include the Green Belt, and provides a clear reason to dismiss the appeal.” Stephen Wilkinson, Inspector Planning Inspectorate decision Broke Hill golf course 31 January 2022

This case along with ministerial statements demonstrates that the Local Plan fails to be consistent with national planning policy to protect the Green Belt, as specified in paragraph 11 of the National Planning Policy Framework.

The Local Plan must be revised to remove the proposed amendment to the Green Belt boundary to allocate additional land for housing and to withdraw all of the sites proposed for removal from the Green Belt.

Furthermore, the Local Plan is not justified because the NPPF states:

“141. Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph, and whether the strategy:

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

Regarding paragraph “a”, it has not been proven that all brownfield sites have been considered.

There are underutilised sites such as areas in South Shields town centre where previously developed land is used for car parking rather than housing like the area at the Mill Dam in South Shields, the former Staithes House and surrounding land near the town centre has been cleared for development for decades. The large office building at Harton Quay was leased by BT Group until last year but BT Group then closed its office and redeployed its 500 staff to other parts of the North East.

These are areas close to South Shields transport interchange and so would satisfy paragraph “b” the need to promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport.

The failure to rent out office space also drawn into question the planned 200,000 sq ft of office space in the adjacent Holborn development especially as the Utilitywise office building just down river had to be converted to flats after lying empty for a long period.

Planners overlooked possible brownfield sites across South Tyneside. Questions raised over validity of the reasons for rejection have not been answered. Some examples are the health clinic site near the ambulance station on Boldon Lane, the Pickwick pub in Biddick Hall, the former Methodist church on Bede Burn Road, the former Park Hotel on Lawe Road have not been included in the Local Plan.

Immediately after the Regulation 18 consultation in 2022, planning permission was given for 446 houses on the former Hawthorn Leslie shipyard that had lain redundant for several years. This was not included in the Regulation 18 Draft Plan. A similar situation exists at the former Rohm and Hass brownfield site near Jarrow town centre that would comply with 141 a) and b). This land if designated for industry could be released for housing as the land designated for employment in the Regulation 19 Local Plan is not justified by the evidence.

A further statement which is insufficient is paragraph 4.31, Sustainable Urban and Village Extensions:

“The Council has undertaken an extensive Green Belt review to identify land which would cause the least harm to the purposes of the Green Belt, that is considered suitable for development, and that could create a new defensible Green Belt boundary. Through this work, the Council has also established the exceptional circumstances to justify amending the Green Belt boundary at each location. Following consultation on the Plan, the Council will undertake a Green Belt boundary review which will review the entire Green Belt boundary to ensure that it has a strong and defensible boundary as required by the NPPF.”

It has been shown that the Green Belt does not need to be built on and therefore the least harm to this resource is no further development at all on the Green Belt and exceptional circumstances have not been established.

Regarding paragraph “c”, there is no evidence that the aggregated housing assessments of the neighbouring authorities has been compared with the projected population levels of these authorities to show that there will be no overall supply. The simple statement in 4.28 in the Local Plan is insufficient:

“28. Prior to identifying land in the Green Belt the Council has, as part of Duty to Cooperate, discussed whether neighbouring authorities could accommodate additional housing. As set out in the Duty to Cooperate Statement, neighbouring

authorities have confirmed that they would be unable to provide land to meet South Tyneside's needs."

The duty to cooperate has not been evidenced as required by guidance such as PAS – Doing your duty practice update [doing-your-duty-practice--1a3.pdf \(local.gov.uk\)](#)

The recommendations in this have not been followed including number 10:

"10. Plans should reflect joint working and cooperation to address larger than local issues. In many cases, joint studies with other local planning authorities formed part of the evidence used to demonstrate compliance with the duty. Past cooperation put many local planning authorities in a strong position, particularly where this has resulted in the preparation of sub-regional strategies, joint studies or common methodologies on SHMA, Strategic Flood Risk Assessment, economic assessments, Green Infrastructure studies, landscape and renewables assessments, and transport studies."

This failure is evident in the vast over provision of housing as previously shown and shared infrastructure for example the health and sewage systems between South Tyneside and Sunderland as well as employment at IAMP. This shows that the Plan is not sound.

3. Objection made regarding Sustainability Appraisal Report 2024 – Employment Land and policy SP14: Wardley Colliery

The Sustainability Appraisal Report 2024 notes that the Local Plan has increased the amount of land required for employment from the Draft Regulation 18 Local Plan. It notes that the level of employment growth underpinning this is high in the context of past trends.

This demonstrates that the Regulation 19 Draft Local Plan is not justified by the evidence base; the amount of land for employment allocated for employment is too high and more of this land needs to be utilised for housing development in existing urban areas. The removal from the Green Belt of the Wardley Colliery site in SP14 is not justified.

Proposed Modification:

The Local Plan must be revised to take forward preferred options for employment land which result in a much lower amount of land allocated for employment. The policy SP14 to remove the site at Wardley Colliery from the Green Belt must be withdrawn from the Plan. More of the land in the existing urban areas allocated in the Local Plan for employment must be allocated for housing development instead.

The Sustainability Appraisal Report states:

“Preferred Options

4.41 Within the Draft Local Plan 2019, the Council took forward the following preferred options for employment land: ■ General Employment Land – Option 2: Policy-on Scenario ■ Port and Marine Land – Option 3: Past Completions (net)

4.42 These options were selected because the Council considered them to have the most positive effects on SA objective 9 (encourage and support economic growth within South Tyneside) and SA objective 10 (increase opportunities for employment and education and improve living standards). The Council’s reasons for this were set out in the 2019 SA Report.

4.43 In the Draft Regulation 18 Local Plan (June 2022) the Council’s preferred scenario for employment land requirements over the Plan period was the Baseline Labour Demand Scenario. The reasons for this were set out in detail in the 2022 Employment Land Technical Paper, which explained that in choosing this scenario the Council was being cognisant of the constraints imposed by the Green Belt and the very high value placed on this resource by local communities.”

And

“4.45 In the Regulation 19 Draft Publication Plan, the Council’s preferred scenario for employment land requirements over the Plan period is the Policy-on Labour Demand Scenario. As explained in the 2023 Employment Land Technical Paper, the level of employment growth underpinning this scenario, which seeks to capture the impacts of IAMP on the general employment land market, is high in the context of past trends. The 2023 ELR advises that the IAMP proposals are expected to create significant employment opportunities in the wider supply chain. However, the ELR does caution that the ability to fully take advantage of these opportunities will depend on the ‘ability to offer good quality employment sites, with good access to the strategic road network and in close proximity to the IAMP’.”

The SAR also notes the negative impact of this preferred option for employment land:

“4.26 However, negative effects were recorded against a number of environmental objectives, reflecting the impact that a high economic growth could have upon the environment due to proximity existing designations, and increased impacts on natural resources, potential impacts on biodiversity and wildlife corridors. This level of growth is also likely to require land from the Green Belt to facilitate the growth aspirations; this objective therefore scored negatively against objective 4 (Green Belt) and objective 5 (green infrastructure) due to the potential impacts on the Green Infrastructure corridor.”

The Sustainable Appraisal Non-Technical Summary states in the section assessing the Likely Effects of the Local Plan Options:

“Preferred Options

34. In the Draft Regulation 18 Local Plan (June 2022) the Council’s preferred scenario for employment land requirements over the Plan period was the Baseline Labour Demand Scenario. In choosing this scenario the Council had been cognisant of the constraints imposed by the Green Belt and the very high value placed on this resource by local communities. In the Regulation 19 Draft Publication Plan, the Council’s preferred scenario for employment land requirements over the Plan period is the Policy-on Labour Demand Scenario. As explained in the 2023 Employment Land Technical Paper, the level of employment growth underpinning this scenario, which seeks to capture the impacts of IAMP on the general employment land market, is high in the context of past trends. The 2023 ELR advises that the IAMP proposals are expected to create significant employment opportunities in the wider supply chain. However, the ELR does caution that the ability to fully take advantage of these opportunities will depend on the ‘ability to offer good quality employment sites, with good access to the strategic road network and in close proximity to the IAMP’.”

4. Objection made regarding Density Report 2024 and paragraph 8.24 of the Local Plan

The Local Plan is not justified by the evidence as set out in the Density Report 2024 of housing density achieved since the last housing density report in 2018. The Local Plan in paragraph 8.24 sets a lower average housing density than has been achieved which means it is not consistent with the NPPF.

Proposed Modification:

The Local Plan must be revised to increase the housing density standards.

The Density Report 2024 states:

“2.3 Paragraph 125 of the NPPF highlights the importance of avoiding homes being built at low densities, where there is an anticipated shortage of land for meeting identified housing needs. Planning policies should avoid homes being built at low densities and ensure optimal use of land by using minimum density standards. These standards aim to uplift the average density of residential development and the use of these standards should be used in other parts of the plan area. Minimum density standards should also be used in a way which ensures that applications which fail to make efficient use of land be refused.”

It states in the Summary

“4.1 Following the four assessments several conclusions can be drawn with regards to density patterns throughout South Tyneside. Since the previous Density study in 2018:

- The average density of sites assessed was 66 dwellings per hectare based on net site area. This is an increase of 16 dwellings per hectare since the previous study.*
- The assessments showed that density declined as site area increased and that sites less than 1 hectare had a density significantly higher than those over 1 hectare. Sites less than 1 hectare had an average density of 82 dwellings per hectare. Sites over 1 hectare had a density of 40 dwellings per hectare.*
- In general sites with a higher yield had typically lower densities. Sites with less than 50 dwellings had an average density of 50 dwellings per hectare whereas sites with more than 250 dwellings had an average density of 28 dwellings per hectare.*
- Sites in the urban area of South Shields had the highest densities with an average of 72 dwellings per hectare. This is likely due to the nature of the area and the large proportion of smaller sites.*
- Compared to the standard density buffers in Policy SC3 of the adopted LDF and the Strategic Housing Land Availability Assessment higher densities were achieved across all three categories. “*

However, the Recommendations for Housing Density which have been utilised by the Regulation 19 Draft Local Plan are lower than the densities which have been achieved. The Density Report states:

“6.1 Housing yield must ultimately be determined by design. However, for the purposes of estimating housing yield as part of the Strategic Housing Land Availability Assessment and Local Plan site selection process the following density calculations are recommended:

- Average 60 dwellings per hectare on sites within 400m in the Jarrow and Inner South Shields character areas (higher densities may also be appropriate on a site by site basis e.g. by the riverside on sites such as Holborn and Hawthorn Leslie);*
- Average 55 dwellings per hectare on sites within 400m in the rest of the borough;*
- Average 45 dwellings per hectare on sites between 400m – 800m in the rest of the borough; and*
- Average 35 dwellings per hectare on sites beyond 800m in the rest of the borough.*

6.2 These densities will be used to estimate site capacities in the Strategic Housing Land Availability Assessment where other information (e.g. planning applications, information from developers etc.) is not available. Should this information be available it will be used.”

The Density Report 2024 also underestimates the housing densities which have been achieved because two very large urban brownfield sites have been excluded from the assessment:

“3.2 Whilst permission was given to 26 sites during this period only 24 sites will be used in this study. The sites at Leslie Hawthorn and Holborn have been omitted from this study as due to the nature of those sites they present an anomaly in the densities. These sites have a much higher density as to be viable sites for the developers more dwellings on site were required. These sites have a much higher proportion of flats and apartments than others of this size and location. Therefore, to be able to analyse patterns and trends in the data these 2 sites have been treated as anomalies.”

If these two sites were included in the assessment, the average density achieved would be higher and the discrepancy between this and the recommendations for average density for the Local Plan would be even greater.

5. Objection made specifically regarding Policy 18: Affordable Housing, Policy 19: Housing Mix and Policy 20: Technical Design Standards for New Homes

The Local Plan is not justified and is not consistent with the NPPF in terms of meeting the housing needs identified in the Strategic Housing Market Assessment (SHMA) 2023.

The Local Plan does not meet the need for increased proportion of affordable housing; nor does it meet the need for increased housing for older people and people with disabilities.

Policy 18: Affordable Housing sets minimum percentages for affordable housing on new developments which are too low.

Policy 20 introduces a condition that this target for wheelchair user dwellings (ie *Building Regulations Requirement M4(3)*) will only apply in housing developments of 50 homes or more. This means that the Local Plan is not justified by the evidence of the need for these type of homes.

Proposed Modification:

Policy 18 must be revised to increase the minimum percentages for affordable housing to an overall higher percentage than the current target of 25%.

Policy 20 must be revised to remove the condition that the target for wheelchair user dwellings (ie *Building Regulations Requirement M4(3)*) will only apply in housing developments of 50 homes or more.

In the section on Housing Allocations the Local Plan states:

“5.4 When allocating sites to meet the housing requirement, the Plan has looked to ensure the right homes are delivered in the right places, taking into account need, demand, deliverability, sustainability and improving choice.”

The SHMA 2023 has identified an annual need for 361 affordable homes each year across the borough which justifies the need for a robust affordable housing policy which will provide mechanisms to help meet this affordable need. Yet the same document states in the Executive Summary:

“It is recommended that the current target for 75% market and 25% affordable is maintained.” And in Paragraph 7.10 states: *“The SHMA would suggest that an overall target of 25% affordable housing should continue to be applied. This will be subject to viability testing before a target can be established for affordable housing in the emerging Local Plan.”*

The Local Plan states: *“8.53 The typology testing results for the ‘Local Plan Viability Testing’ report (2023) shows that different locations in the borough can sustain*

different levels of affordable housing. The report concludes that the following levels of affordable housing provision are reasonable: • Cleadon – 30% • East Boldon and Whitburn Village – 25% • West Boldon, Boldon Colliery – 20% • Hebburn – 15% • South Shields, Jarrow – 10%”

The proposed proportion of affordable homes in Cleadon and East Boldon is 30%, but as median house prices in this area are £225,000 the accepted definition of affordable being 80% of market value means they will still be unaffordable to the very people requiring this provision.

The percentage of affordable housing to be built on new developments in East Boldon has been reduced from 30% in the Regulation 18 Draft Local Plan to 25%.

The NPPF states *“62. Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).”*

Particular needs identified in the SHMA 2023 are:

- *“Increasing and diversifying the supply of specialist housing for older people. There is a need for 3,060 more units of accommodation for older people by 2040 comprising 1,803 C3 units, 885 C2 Extra Care units and 372 C2 Residential care units*
- *Based on an assessment of additional needs and longer-term demographics, a minimum of 5% of new dwellings should be built to M4(3) wheelchair accessible standard; and all other new dwellings should be built to M4(2) accessible and adaptable standard.”*

However the Local Plan fails to implement these recommendations in full as Policy 20: Technical Design Standards for New Homes states:

*“1. To meet the needs of older people and people with disabilities, a minimum of 5% of new build housing in developments of 50 homes or more shall be built to Building Regulations Requirement M4(3) (wheelchair user dwellings).
2. All residential dwellings shall be designed to be built to meet Building Regulations Requirement M4(2): (Accessible and adaptable dwellings) except where it can be demonstrated that this is impractical or unviable due to site specific constraints.”*

Policy 20 introduces a condition that this target for wheelchair user dwellings (ie *Building Regulations Requirement M4(3)*) will only apply in housing developments of 50 homes or more. This means that the Local Plan is not justified by the evidence of the need for these type of homes.

6. Support for Policy 16: Houses in Multiple Occupation

We welcome Policy 16 Houses in Multiple Occupation (HMO) as this is justified by the evidence of clustering of HMOs in particular areas of the borough and the need for further measures in paragraph 2 of the policy for the Lawe Top Article 4 Direction area.

Proposed Modification:

However we would want to see this policy strengthened by limiting concentration to no more than 5% within 100 metres, especially in the Lawe Top area.

The Local Plan states in Policy 16 paragraph 2: Where an application for a new House in Multiple Occupation falls within the Lawe Top Article 4 Direction area, permission will only be granted where the number of HMO dwellings does not exceed 10% of the total number of properties, within 100 metres from the application site.

This needs to be amended to state that “the number of HMO dwellings does not exceed 5% of the total number of properties, within 100 metres from the application site.” This is because of the significant number of HMO dwellings in this area which have already had a cumulative effect on the area.

7. Objection made specifically regarding Policy 1 Promoting Healthy Communities and Policy 2 Air Quality; and SP5: Former Brinkburn Comprehensive School and SP6: Former Chuter Ede Education Centre

The Local Plan is not justified because these policies will not ensure the Strategic Objectives for Promoting Healthy Communities will be achieved; and these policies are not consistent with national policy.

Proposed Modification:

The sites under policies SP5 and SP6 must be amended to exclude the current playing fields and retain those areas as public open space. The sites under policies SP7 and SP8 in the Green Belt must be withdrawn from the Local Plan to prevent detrimental impact on air quality.

The Local Plan proposes the development of several vital community open spaces, for example the playing field land at Chuter Ede and Brinkburn School, despite stating in Policy 1:

*“The Council and its partners, including the NHS, will seek to improve the health, wellbeing and quality of life of South Tyneside residents, reduce health inequalities, and to help people live longer and healthier lives. This will be achieved by:
1. Supporting new development which: i. Increases opportunities for physical activity and active travel through the provision of good quality sport and recreation facilities and safe and accessible walking, cycling and public transport networks.”*

and

“iii. Enhances the green and blue infrastructure network and supports climate change mitigation and adaptation.”

These community open spaces must be protected and removed from the Local Plan as sites for development. The importance of these community open spaces is recognised in NPPF paragraph 98, 20-23, 26 and 92.

Building on playing fields for example at Chuter Ede has the exact opposite effect to the objective, increasing the local population while removing green space playing fields that are used for exercise.

There is little in the Local Plan that would fulfil the Strategic Objectives for Promoting Healthy Communities. In fact, some parts of the plan make the situation worse including the proposed development in areas that will promote car use such as in Cleadon, East Boldon and Whitburn. These developments will typically have two cars per household, adding potentially thousands of car journeys on an already congested road system. This will have a detrimental effect road safety and on the local environment due to noise and exhaust emissions. Some areas have air pollution levels already in excess of the World Health Organisation recommended

maximums. These vehicle journeys will only make this more dangerous as there are no safe levels for these pollutants.

The Local Plan states in paragraph 6.14: *“The importance of good air quality is recognised by the World Health Organisation which produced a series of standards that have been adopted by the European Commission and subsequently the UK”.*

A Local Authority recognising this will be aware that the World Health Organisation (WHO) air quality standards were revised in 2021 and the recommended pollutant levels, to be achieved, were revised down by a considerable amount. NOTE: These are not safe levels as scientists do not consider any amount to be safe. It is inconceivable that the UK national standards will not be reduced to reflect these changes.

In the Local Plan, Policy 2: Air Quality states *“2. Where significant air quality impacts are likely to be generated by the development, an appropriate air quality assessment will be required”.* Due to the changes in WHO levels it is reasonable to predict large areas of the Borough will exceed these and the proposed developments in Policy SP7: Urban and Village Sustainable Growth Areas in particular will result in unsafe air pollution.

The council has a duty as far as reasonably practicable to ensure the health and safety of its residents. Given the above, the Local Plan must be revised to take into consideration the results of the proposed developments on air quality and specified measures that would reduce pollution levels to the minimum possible.

NPPF states in 186: *“Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications.”*

The Local Plan has failed to identify these opportunities adequately and therefore is not consistent with the NPPF and this demonstrates that the Local Plan is not sound.

NPPF states: *“31. The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned...”*

The revised WHO air pollution levels are relevant and up-to-date and should be a material consideration.

8. Objection made specifically regarding Section 7: Meeting the Challenge of Climate Change, Flooding and Coastal Change

The Local Plan is not sound because it is not compliant with the Climate Change Act 2008 and Planning and Compulsory Purchase Act 2004 (as amended) duties or consistent with NPPF guidance – carbon accounting and climate mitigation.

Proposed Modification:

The Local Plan must be revised in order to bring it into compliance with legislative and policy requirements around climate change and the council's stated ambitions. The plan must include sustainable building standards requiring new developments to meet much more stringent building standards in terms of energy demand and generation.

The increased carbon emissions from the development proposed in the Local Plan will add to South Tyneside's carbon footprint and add to the climate change emergency.

National legislation and guidance strongly stress the central role of the planning system in securing radical reductions in greenhouse gas emissions and require Local Plans to:

The policies should aim to secure radical carbon reductions in line with a trajectory for the authority area that is consistent with the UK achieving full carbon neutrality by 2050, and in the short term should test the policy options available to achieve the highest level of ambition possible to meet this goal.

As far as possible, all new development should be zero carbon given that the country's net zero target must be met in the next 30 years. A good example from another area is Reading Council: *"The council's 2019 Local Plan requires that all new residential developments of ten or more homes are built to zero carbon standards if possible." Zero carbon is an achievable standard.*

Adoption of this strategy aligns with the councils own stated aims of the Economic Recovery Plan 2020 to *Catalyse green and sustainable growth by maximising the potential of our low-carbon and digital assets and expertise.*

With regards to Policy 15 much is to be welcomed. 15.1 states *"Improve the condition of existing homes by enhancing energy efficiency and reducing carbon emissions in existing buildings* And 15.4 *Facilitate improvements to properties that have traditionally suffered from poor management and under-investment."*

However, currently demolition is placed far too highly as an option for the current housing stock. Refitting and retrofitting is by far the less carbon intensive approach so demolition must be de-prioritised.

The Local Plan must be revised in order to bring it into compliance with legislative and policy requirements around climate change and the council's stated ambitions.

NPPF 8: *“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):*

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.

NPPF 11: *“Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that:*

a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;”

NPPF 20: *“Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for:*

d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.”

The plan is not sound as it does not address the above NPPF requirements regarding climate change and carbon emissions.

The Plan does not have sufficiently robust policies requiring low-carbon building standards for new buildings. Each year it is proposed that 309 homes are built, along with commercial developments. This means every new house and building is adding to the district's carbon emissions.

Domestic buildings can account for around 22% of its carbon emissions in South Tyneside. Commercial or industrial buildings account for a further 20%. If 309 new homes are built each year to existing building regulations, this alone is expected to add around 4 tonnes of CO₂ per year, per house.

The plan should include sustainable building standards requiring new developments to meet much more stringent building standards in terms of energy demand and generation.

This could be incorporated into a development plan document (DPD) as Warwick District Council did in their “NET ZERO CARBON - DEVELOPMENT PLAN DOCUMENT”:

“The DPD would ensure that new development does not add to the District’s carbon deficit and will therefore ensure that the significant cost of retrofitting buildings to achieve net zero carbon does not increase.

The Objectives would be to:

1: To provide a clear policy framework to enable developers to understand the requirements for planning proposals to ensure new buildings are planned and constructed to be net zero carbon in operation.

2: To ensure practical and viable low carbon building standards that can be applied to new buildings.

3: To support the consideration of low carbon energy sources as part of development proposals.

4: As a last resort, to provide the policy framework for addressing residual carbon from new buildings through a robust carbon offsetting policy.”

See for the full DPD [SUB1 - Net Zero Carbon DPD Submission Version - Download - Warwick District Council \(warwickdc.gov.uk\)](https://www.warwickdc.gov.uk/submissions/sub1-net-zero-carbon-dpd-submission-version-download)

9. Objection made specifically regarding Policy 6: Renewables and Low Carbon Energy Generation

The Local Plan is not sound because this policy is not consistent with national policy.

Proposed Modification:

The Local Plan must be revised to ensure the policy complies with national policy. The Plan must have a requirement to include and maximise on-site renewable energy generation and a stronger policy to require development to connect to district heating networks.

NPPF 156 states: *“Local planning authorities should support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning.”*

We welcome Policy 6 paragraph 2 supporting the inclusion of renewable energy into developments, but the text is not strong enough, and once again, will not change business as usual development approaches. A requirement to include and maximise on-site renewable energy generation needs to be folded into an overall greenhouse gas emissions policy, as seen in the London Plan, policy S12¹.

We welcome Policy 6 paragraph 4, the inclusion of policies requiring development to connect to district heating networks, however this policy needs to be made significantly stronger. The best example of which we are aware is draft policy S113 of the draft London Plan. As the whole of South Tyneside is located over disused mine-workings more heating schemes like the “Hebburn Minewater Project” should be invested in for housing schemes.

¹ London Plan – policy S12 - www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/draft-new-london-plan/chapter-9-sustainable-infrastructure/policy-si2-minimising#r-SI2

10. Objection made specifically regarding Policy 10 Disposal of Foul Water and Policy 11 Protecting Water Quality

The Local Plan is not justified because these policies are not able to ensure the Objectives for Protecting Water Quality will be achieved; and is not consistent with national policy.

Proposed Modification:

The sites under Policies SP7 and SP8 must be withdrawn to prevent detrimental impact on water quality.

The Local Plan does not refer to the current significant level of sewage pollution in South Tyneside. Population levels have increased considerably in the UK since Victorian times yet we are still using combined sewers that were constructed in the 19th century. If more housing development is permitted, especially on green spaces, more pressure will be exerted on an already failing sewage system. However, in the consultation on the Draft Local Plan, South Tyneside Council confirmed that no extra sewage will be added to the existing infrastructure on the recommendations of Northumbrian Water who have assured them the existing system will cope.

NPPF states “*20. Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for: ...
b) infrastructure for ...wastewater*”

NPPF states: “*185. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.*”

The Environmental Permitting Regulations 2016 Permits to discharge untreated sewage from Combined Sewer Overflows into watercourses during heavy rainfall are issued to water companies and regulated by the Environment Agency. There is growing evidence to show that these permits are being abused. Sewage is regularly discharged into South Tyneside watercourses in moderate rainfall. This is due to a lack of capacity at the sewage treatment works caused by a lack of investment and contravenes environmental law.

The Environment Agency (EA) has been required to install Event Duration Monitors (EDMs) in all Combined Sewer Overflows (CSOs). These record the number of discharges and the duration of the discharges. The Whitburn system remains in breach of environmental law as of March 2021, but the EA want to wait 10 years to ‘assess’ the system.

The data supplied by the authorities needs to be treated with caution. In March 2020 the EA issued an apology after their published sewage discharge records for Whitburn for 2019 were challenged. They were forced to increase the volume of

CSO discharges for Whitburn by 10% from 683,676 cubic metres to 760,993.5 cubic metres. In March 2021 Northumbrian Water issued an apology after their published untreated sewage discharge records for Hendon Sewage treatment works for 2019 were challenged. They were forced to increase their published hours of untreated discharges in 2019 from Hendon Sewage Treatment works by 4,000% from 15 hours 52 mins to 646 hours.

Sewage pollution is a contributor to climate change. Seagrasses can absorb more carbon up to 40 times faster than terrestrial forests and these ecosystems become sources of CO2 emissions when they are degraded or destroyed. A major driver of seagrass decline is nutrient pollution from sewage. A study has shown that 90% of the seagrass meadows in the UK have been lost to pollution. Locally, the seagrass meadows in the River Tyne estuary have been devastated by sewage flowing from nearby Combined Sewer Overflows.

Sewage pollution causes harm to public health. Recent epidemiological studies show a close relationship between contact with polluted waters and the incidence of gastro-intestinal, eye, ear, nose and throat infections or irritations and respiratory symptoms. This is a recognised problem for surfers, kite surfers, windsurfers, sailors, kayakers and wild swimmers. Even the dog walkers, joggers and walkers who all enjoy the access to South Tyneside's riverside and beaches throughout the year are at risk from sewage pollution.

Public Health is a material planning consideration. Local authorities have important and wide-ranging public health functions, for example under the Public Health (Control of Disease) Act 1984. This legislation adopts an 'all-hazards' approach and provides South Tyneside Council with the necessary powers to control human health risks arising from infection or contamination of any form including chemicals and radiation. Statutory duties for public health were conferred on local authorities by the Health and Social Care Act 2012. Local authorities (and directors of public health acting on their behalf) now have a critical role in protecting the health of their population, both in terms of helping to prevent threats arising and in ensuring appropriate responses when things do go wrong.

Health considerations are capable of being material planning considerations. This is recognised in the NPPF which includes the following statement at paragraph 92: *"Planning policies and decisions should aim to achieve healthy, inclusive and safe places."*

The health implications of exposure to the levels of sewage pollution regularly discharged into the River Tyne and on to the beaches of South Tyneside must be a material planning consideration with respect to future developments as, without an improvement in sewage treatment capacity, more development will bring about an inevitable increase in sewage pollution.

Response compiled by South Tyneside Green Party February 2024