

# North Tyneside Council

## Report to Cabinet

### Date: 8 October 2012

#### ITEM 6(c)

Title: North Tyneside  
Local Development  
Scheme 2012

Portfolio(s): Elected Mayor

Cabinet Member(s): Mrs Linda Arkley

Report from Directorate: Chief Executive's Office

Report Author: Ken Wilson – Head of Regeneration,  
Development and Regulatory Services (Tel: 0191 643  
6091)

All

Wards affected:

#### PART 1

##### 1.1 Purpose:

The purpose of the report is to:

- explain the requirement to produce and update a Local Development Scheme;
- set out the content of the proposed North Tyneside Local Development Scheme 2012 (LDS 2012), including the programme for preparation of Development Plan and other planning policy documents over the period 2012-2016;
- recommend the LDS 2012 work programme be approved;
- obtain delegated powers to issue updates on the programme in line with the requirements of the Localism Act 2011.

##### 1.2 Recommendation(s):

It is recommended that Cabinet:

- (1) resolve that the Local Development Scheme 2012 is to have effect from the 1<sup>st</sup> November 2012.
- (2) Approve the Local Development Scheme 2012 work programme (Appendix 2).
- (3) Delegate authority to the Head of Regeneration, Development and Regulatory Services to publish the LDS 2012 incorporating the work programme, and issue updates on the adherence to the programme as set out in this report.

##### 1.3 Forward plan:

This report appears on the Forward Plan for the period 1<sup>st</sup> October 2012 – 31<sup>st</sup> January 2013.

## 1.4 Council plan and policy framework

### 1.4.1 Council Strategic Plan

The planning policy documents detailed in the LDS 2012, including the Core Strategy, a strategic document for the whole Borough, cover a wide range of issues. The LDS 2012 is therefore a programme for work related to many of the aspects of the Council Strategic Plan 2012 -15, but in particular to:

**Priority 2: Maintaining excellent education, training and employment opportunities, including apprenticeships and working in collaboration with partners**

**Priority 3: Providing affordable rented housing in partnership with the private sector and registered social landlords** – we will actively prepare a council and affordable housing building programme, using our existing brown field sites.

Action 2: We will use council owned brown field sites as our contribution to a partnership to provide affordable and rented homes.

Action 3: We will mould the Core Strategy to encourage more building work on brown field sites, to protect our green areas and open spaces.

**Priority 4: Introducing new income streams to maximise the benefits of our assets, not dispose of them forever**

**Priority 5: Work in Partnership to realise the full potential of the North Bank of the Tyne Regeneration** – we will work in partnership with local companies to ensure the employment and inward investment opportunities that a working river creates will boost the local and regional economy, through job creation, training and skills via a Multiversity Education Partnership. The resulting increased numbers of people using the town centres and riverside areas will assist in boosting the daytime and night time economy.

### 1.4.2 North Tyneside Sustainable Community Strategy 2010/13

As indicated above under 1.4.1, the planning policy documents detailed in the LDS 2012, including the Core Strategy, a strategic document for the whole Borough, cover a wide range of issues. The LDS 2012 therefore has relevance for the following aims of the Sustainable Community Strategy.

North Tyneside Strategic Partnership has an ambitious vision for the Borough which is that the Borough is a place of opportunity, prosperity and vibrancy. A place where people are happy, healthy, safe, able to participate in a flourishing economy and achieve their full potential.

The Partnership states it “will work together to see that:

- The North Bank of the Tyne is established as a zone of global significance in the renewable and marine industries, where our economic renewal is supported by an innovative higher education offer;
- North Tyneside plays a full part in the renaissance of the North East as a prosperous, innovative and distinctive region;
- A diverse range of businesses across the Borough achieve their economic potential;

- Our children and young people have high aspirations, enjoy their childhood and acquire the skills to support their own and the Borough's wellbeing and prosperity;
- Our town centres are renewed, easily accessible and provide a wide range of shops and services;
- Our local environment is clean, green, attractive and sustainable;
- Our stunning coastal strip and unique cultural assets are enhanced and enjoyed by residents and visitors alike;
- Opportunities to engage and participate in sport, culture and the arts are available to all;
- Health inequalities are reduced and people receive the care and support they need to enjoy healthy lifestyles at all ages;
- Our Borough is welcoming and everyone has the chance to contribute to their community. Differences between people are valued and respected, and everyone has similar life opportunities;
- Neighbourhoods are friendly, inclusive, safe and connected, offering a range of quality housing options and local facilities; and
- People, young and old, feel a sense of pride in and belonging to our area, are involved in volunteering, and are engaged in shaping the decisions that affect their lives."

The Community Strategy sets out the following priority areas to improve the Borough and to encourage inward investment:

1. Regeneration
2. Quality of Life
3. Best Start in Life
4. Sense of Place.

#### 1.4.3 Council's Policy Framework

The LDS 2012 includes the programme for the production of the Core Strategy and the Area Action Plans that will form part of the Development Plan. The Development Plan is part of the Council's Policy Framework and as such is subject to the Budget and Policy Framework Procedure rules. The Core Strategy and Area Action Plans will therefore be progressed in accordance with those rules. This will include consultation and consideration of the proposals at various stages by Cabinet and Overview and Scrutiny Committee, and approval by a meeting of full Council, prior to consideration by an independent Inspector appointed by the Secretary of State.

### 1.5 **Information:**

#### Requirement to produce a Local Development Scheme

1.5.1 The Council is required to produce documents which set out its policies relating to the development and use of land in its area. The most important of these are Development Plan Documents (DPDs), also known as Local Plans, which include any allocations of land for development and general planning policies. They are the starting point for the determination of planning applications.

1.5.2 The main stages in the process required for the preparation and adoption of DPDs are:

- Preparation by the Council of an extensive evidence base
- Cooperation by the Council with adjoining authorities on cross border issues

- Wide engagement by the Council with the public, businesses and other organisations on the content of the plan, which may include publication of Issues and Options papers, Preferred Options, and Consultation Draft
- Consideration by Council of content of Draft Plan in accordance with the Policy Framework rules
- Publication by the Council of the resulting Draft Plan for formal representations on outstanding issues
- Submission of the Draft Plan with the formal representations and supporting information to the Secretary Of State
- Examination by an independent Inspector, who will indicate whether the Plan can be adopted, with modifications if necessary. The examination includes public hearings.
- Adoption by the Cabinet.

1.5.3 The Council is also required to publish a Local Development Scheme describing the DPDs it intends to prepare, and the timetable for their preparation. Once published the Council has to publish up to date information on compliance with the timetable, and in any case in its Annual Monitoring Report. The Council also has to make revisions to the scheme as appropriate.

1.5.4 Since the publication of the existing Local Development Scheme there have been amendments by the Localism Act 2011 to the sections of the Planning and Compulsory Purchase Act 2004 dealing with the production of planning policy documents. The regulations dealing with the details of this task have been replaced and amended by the Local Planning Regulations 2012. In addition to these legislative changes, the planning policy documents to be produced for North Tyneside and their timetables require revision. It is therefore now appropriate to publish an updated Local Development Scheme.

1.5.5 This Council has chosen to include in its Local Development Scheme details of other formal planning policy documents in addition to Development Plan Documents. These are:

- the Statement of Community Involvement (SCI);
- Supplementary Planning Documents (SPD);
- Other informal planning guidance; and
- the Community Infrastructure Levy.

1.5.6 The SCI is the document the Council must prepare to set out its policies for involvement of all those interested in development of the Borough in the preparation of planning policy and in the determination of planning applications. With the exception of formal adoption, the main stages in its preparation are not prescribed but would usually be:

- Preparation, including informal consultation;
- Formal consultation on Draft SCI; and
- Adoption with any modifications required.

1.5.7 Supplementary Planning Documents may be prepared to supplement the policies in adopted DPDs, providing more details to, for instance, assist developers make successful applications. If prepared, the main stages required for their preparation are:

- Preparation, including informal consultation;
- Formal consultation on Draft SPD;
- Adoption with any modifications required.

1.5.8 The Community Infrastructure Levy (CIL) is a new levy that local authorities can charge on new developments in their area. The money can be used to support development funding infrastructure that councils or local communities want. The CIL should be implemented on the basis of an up-to-date and adopted development plan, which in North Tyneside's case would be the Core Strategy. The process for preparing a charging schedule is similar to that which applies to DPD's.

#### Existing North Tyneside Local Development Scheme (2010)

1.5.9 The current North Tyneside Local Development Scheme (LDS 2010) was approved by Cabinet at its meeting on 8<sup>th</sup> February 2010 (Minute CAB123/02/10). It was subsequently adopted after referral to the Secretary of State, as was then required. It noted a number of documents which had been prepared by 2010, and set out a programme for the production of other planning policy documents.

1.5.10 Of those documents proposed to be produced in the LDS 2010, the following were completed:

- Statement of Community Involvement 2010 (first review)
- Design Quality SPD 2010
- Transport & Highways SPD 2010.

1.5.11 However the following documents proposed to be completed in the LDS 2010 remain under preparation:

- Core Strategy DPD
- Wallsend Area Action Plan DPD
- Coastal Area Action Plan DPD
- North Shields Area Action Plan DPD.

Further details of these are set out below in describing the content of the LDS 2012.

1.5.12 A further document proposed in the LDS 2010 was a Waste Management DPD. Changes in legislation and Government planning policies now encourage the production of as few Development Plan Documents as possible. In addition work carried out and the consultations carried out to date in relation to the emerging Core Strategy and the supporting evidence base indicate that any necessary policies and proposals relating to waste management can be included within the Core Strategy. The Waste Management DPD is therefore not included in the LDS 2012.

#### North Tyneside Local Development Scheme 2012

1.5.13 The following paragraphs set out the planning policy documents proposed to be prepared over the period 2012 to 2016, including their purpose, extent, work carried out to date, and their individual programmes. Maps of the extent of those documents relating to only part of the Borough are attached as Appendix 1. Four of the following which are Development Plan Documents (the Core Strategy and Area Action Plans for Wallsend, the Coast and North Shields) will form part of the Council's Policy Framework and will therefore be taken forward in compliance with the Policy Framework rules.

#### **Statement of Community Involvement (review)**

1.5.14 The purpose of the SCI is as set out in paragraph 1.5.6 above. It applies to the whole Borough. The existing SCI 2010 requires replacement because there have been changes in legislation and national policy since its adoption.

1.5.15 The proposed programme for its preparation is as follows:

Preparation	Feb 2013 to April 2013
Formal consultation	May 2013
Adoption	July 2013.
<b>Core Strategy DPD (new)</b>	

1.5.16 The purpose of the Core Strategy is to set out a vision and spatial strategy for the whole Borough for the next 15 years. It will include:

- policies for the amount and distribution of development for housing, strengthening the local economy, regeneration of the riverside, revitalisation of town centres and for other uses;
- policies relating to the provision of infrastructure (including transport) and community facilities, to the natural and built environment, including the coast, and relating to climate change.
- Proposals for key development sites.

1.5.17 The proposed programme for the remaining stages of its preparation is as follows:

Preparation of Consultation Draft	Oct 2012 to May 2013
Cabinet approval of Consultation Draft	Jun 2013
Publication of Consultation Draft	Jul 2013
Preparation of Publication Draft	Aug 2013 to Nov 2013
Consideration of Publication Draft in accordance with the Council's Policy Framework rules, resulting in Council approval of Final Proposals	Dec 2013 to Jun 2014
Publication	Sep 2014
Submission to Secretary of State	Dec 2014
Examination including public hearings	Mar 2015
Inspector's report	Jun 2015
Adoption by Cabinet	Sep 2015.

The issue of a Consultation Draft as the next stage prior to the Council's consideration of the Publication Draft is required to allow consultation on:

- revised levels of development which may arise from the latest population forecasts, review of employment land, discussions with neighbouring councils, and extension of the plan period so it has 15 years to run after adoption; and
- detailed content which has not previously been subject to consultation eg development management policies.

#### **Wallsend Area Action Plan DPD (new)**

1.5.18 The purpose of the Wallsend AAP is to provide a framework and context for the next 15 years for investment in and improvement of Wallsend town centre, redevelopment of riverside areas for industry, and improvements to existing residential areas and greenspace. It applies to Wallsend town centre and Willington Quay, and the riverside area from the administrative boundary with Newcastle in the west to the Tyne Tunnel in the east. This area is shown on Map 1 in Appendix 1.

1.5.19 The proposed programme for the remaining stages of its preparation is as follows:

Consideration of Publication Draft in accordance with the Council's Policy Framework rules, resulting in Council approval of Final Proposals	Oct 2012 to Mar 2013
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Publication	May 2013
Submission to Secretary of State	Aug 2013
Examination including public hearings	Nov 2013
Inspector's report	Feb 2014
Adoption by Cabinet	Jun 2014.

It is considered that the AAPs can be progressed ahead of the Core Strategy because their content will not be affected by the choice of the level and distribution of growth to be set out in the Core Strategy.

### **Coastal Areas Action Plan DPD (new)**

- 1.5.20 The purpose of the Coastal AAP is to provide a framework and context for the next 15 years for the regeneration of the coastal area, including improvements to Whitley Bay town centre including Spanish City, and to Tynemouth Village, whilst protecting and enhancing the exceptional natural and built environment. It applies to the full length of North Tyneside's coast including Tynemouth in the south, Cullercoats, Whitley Bay and as far north as St Mary's Island. The boundary extends inland to take in Tynemouth Village and Whitley Bay town centre. This area is shown on Map 2 in Appendix 1.
- 1.5.21 The proposed programme for the remaining stages of its preparation is the same as that for the Wallsend AAP (see paragraph 1.5.19).

### **North Shields Area Action Plan DPD (new)**

- 1.5.22 The purpose of the North Shields AAP is to provide a framework and context for the next 15 years for development of the role of North Shields as an important centre for retail and commercial activity, and for the regeneration of the Fish Quay and riverside areas, balancing diversification of employment with protection and enhancement of the natural and built environment. It will provide context for the more detailed policies of the Fish Quay Neighbourhood Plan SPD. It applies to North Shields town centre and the Fish Quay/New Quay area and extends as far west as Royal Quays outlet shopping centre and as far east as Tanners Bank. This area is shown on Map 3 in Appendix 1.
- 1.5.23 The proposed programme for the remaining stages of its preparation is the same as that for the Wallsend AAP (see paragraph 1.5.19).

### **Fish Quay Neighbourhood Plan SPD (new)**

- 1.5.24 The purpose of the Fish Quay Neighbourhood Plan SPD is to review and supersede the Fish Quay/New Quay CA Management SPD, which will thus be the only existing SPD not to require review. As a "front runner" the Fish Quay Neighbourhood Plan is being prepared by the local community as a trial of the Neighbourhood Plan approach using legislation in place before the introduction of the Localism Act. It will provide a framework for the regeneration of particular opportunity sites, and have a focus on design and deliverability in the context of the mixture of commercial and residential uses of a valued and historic environment. It applies to the riverside area of North Shields from New Quay to Tanners Bank as shown on Map 4 in Appendix 1.
- 1.5.25 The programme for the remaining stages of its preparation is primarily a matter for the community but is understood to be as follows:

Preparation, including informal external review	to Oct 2013
Formal consultation on Draft SPD	Nov 2013

### **North West Settlement Enhancement Planning Framework (new)**

1.5.26 The purpose of the North West Settlement Enhancement Planning Framework is to provide a comprehensive strategy for enhancing the public realm, and to set out clear guidelines to secure high quality redevelopment of available development sites in the area. It is required because of the need to accelerate the process of regeneration of this area. It applies to the Borough west of the A19 and north of the A1056, taking in the settlements of Camperdown, Burradon, Dudley, Annitsford, Seaton Burn, and Wideopen. This area is shown on Map 5 in Appendix 1. It is not proposed for preparation as an SPD to allow it to include new proposals for particular sites, which are restricted from making new sites available for development.

1.5.27 The proposed programme for its preparation is as follows:

Preparation, including informal consultation	May 2013 to Jan 2014
Consultation on Draft Framework	Feb 2014
Preparation of Final Draft	Mar 2014 to Jun 2014
Approval by Cabinet.	Jul 2014.

### **Weetslade Development Brief SPD (review)**

1.5.28 The purpose of the Weetslade Development Brief SPD is to provide comprehensive guidance for the development of this major existing allocation at the Northern Gateway (A1056) for employment use, particularly storage and distribution. It takes into account issues of environmental mitigation, highway improvement and access. Its extent is shown on Map 6 in Appendix 1. The existing Weetslade Development Brief SPD (2007) will require review because at present it adds detail to policies in the existing Unitary Development Plan which is to be replaced by the Core Strategy and Area Action Plans.

1.5.29 The proposed programme for its preparation is as follows:

Preparation, including informal consultation	Jan 2016 to Mar 2016
Formal consultation on Draft SPD	Apr 2016
Adoption by Cabinet.	Jun 2016.

### **Local Register SPD (review)**

1.5.30 The purpose of the Local Register SPD is to provide detailed information on those buildings and parks that are of special local architectural and historic interest although not appearing on the national statutory lists. The inclusion of a property in the Local Register is a material consideration in the assessment of any planning application relating to the property. It applies to the whole Borough. The existing Local Register SPD (2008) requires review because:

- there have been changes in legislation and national policy since its adoption, and
- at present it adds detail to policies in the existing Unitary Development Plan which is to be replaced by the Core Strategy and Area Action Plans.



1.5.31 The proposed programme for its preparation is as follows:

Preparation, including informal consultation	Oct 2015 to Dec 2015
Formal consultation on Draft SPD	Jan 2016
Adoption by Cabinet.	Mar 2016.

### **Design Quality SPD (review)**

1.5.32 The purpose of the Design Quality SPD is to ensure the delivery of sensitive and appropriately designed sustainable development, and provide further guidance on the application of the Code for Sustainable Homes and CABE Building for Life criteria. It applies to the whole Borough. The existing Design Quality SPD (2010) requires review because:

- there have been changes in legislation and national policy since its adoption, and
- at present it adds detail to policies in the existing Unitary Development Plan which is to be replaced by the Core Strategy and Area Action Plans.

1.5.33 The proposed programme for its preparation is as follows:

Preparation, including informal consultation	Oct 2015 to Dec 2015
Formal consultation on Draft SPD	Jan 2016
Adoption by Cabinet.	Mar 2016.

### **Transport and Highways SPD (review)**

1.5.34 The purpose of the Transport and Highways SPD is to set out details of how appropriate proposals will be secured to respond to the transport implications of new developments, including requirements for drainage, Travel Plans, and cycle and car parking. It applies to the whole Borough. The existing Transport and Highways SPD (2010) requires review because:

- there have been changes in legislation and national policy since its adoption, and
- at present it adds detail to policies in the existing Unitary Development Plan which is to be replaced by the Core Strategy and Area Action Plans.

1.5.35 The proposed programme for its preparation is as follows:

Preparation, including informal consultation	Feb 2013 to May 2013
Formal consultation on Draft SPD	Jun 2013
Adoption by Cabinet.	Sep 2013.

### **Planning Obligations SPD (review)**

1.5.36 The purpose of the Planning Obligations SPD is to provide guidance relating to the process the Council intends to follow in assessing whether new development is required to make financial or in-kind contributions to mitigate environmental, social, cultural and economic impacts arising from development proposals. It applies to the whole Borough. The existing Planning Obligations SPD (2009) will require replacement as programmed because:

- there have been changes in legislation and national policy since its adoption, especially related to the introduction of the Community Infrastructure Levy; and
- at present it adds detail to policies in the existing Unitary Development Plan which is to be replaced by the Core Strategy and Area Action Plans.

1.5.37 The proposed programme for the remaining stages of its preparation is as follows:

Preparation, including informal consultation	Jan 2015 to Mar 2015
Formal consultation on Draft SPD	June 2015
Adoption by Cabinet.	Sep 2015.

### **Community Infrastructure Levy (new)**

1.5.38 The purpose of the Community Infrastructure Levy (CIL) is set out in paragraph 1.5.8 above.

1.5.39 The anticipated programme for its preparation is as follows (subject to finalisation of the procedural detail, in respect of which regulations are awaited):

Preparation of Consultation Draft	Oct 2012 to Nov 2013
Cabinet consideration of Consultation Draft	Dec 2013
Consultation	Sep 2014
Submission to Secretary of State	Dec 2014
Examination including public hearings	Mar 2015
Inspector's report	Jun 2015
Adoption	Sep 2015.

## **1.6 Decision options:**

1.6.1 Cabinet may:

- (a) approve the recommendations contained in paragraph 1.2 of this Report;
- (b) approve the LDS 2012 work programme but with modifications to the documents to be produced or the timetable for their production;
- (b) decline to approve the recommendations in paragraph 1.2 of this Report.

## **1.7 Reasons for recommended option:**

1.7.1 The LDS 2010 needs to be revised for the reasons set out in paragraphs 1.5.3 and 1.5.4 of this Report. The documents contained in the programme are either required by statute or, where discretionary, reflect the priorities of the Council relating to town centres, coastal development, and sustainability and transport issues.

## **1.8 Appendices:**

Appendix 1: Maps: Documents relating to part of the Borough

Appendix 2: Local Development Scheme 2012 Work Programme

## **1.9 Contact officers:**

Graham Sword, Principal Planning Officer, 643 6340

Geoff Bloxsom, Principal Planning Officer 643 6339

Alison Campbell, Finance Business Manager 643 7038

## **1.10 Background information:**

- 1 [Planning and Compulsory Purchase Act 2004.](#)
- 2 [Planning Act 2008.](#)
- 3 [Localism Act 2011](#)
- 4 [Town & Country Planning \(Local Planning\)\(England\) Regulations 2012.](#)
- 5 [National Planning Policy Framework 2012.](#)

## **PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING**

### **2.1 Finance and other resources**

- 2.1.1 The staff and printing costs to produce the documents will be met from within existing revenue budgets. The LDS will be accessible from the Council's website so printing costs are expected to be small (less than £200).

### **2.2 Legal**

- 2.2.1 The Planning and Compulsory Purchase Act 2004 (and accompanying Town and Country Planning (Local Planning) (England) Regulations 2012) and the Localism Act 2011 require the Council to prepare and maintain a Local Development Scheme.

### **2.3 Consultation/community engagement**

- 2.3.1 There is no formal requirement for public consultation, as the LDS 2012 simply sets out a programme and does not deal with the content of the LDDs and SPDs.

### **2.4 Human rights**

- 2.4.1 There are no human rights implications directly arising from this report.

### **2.5 Equalities and diversity**

- 2.5.1 There are no direct implications as the LDS 2012 is a work programme only for the production of policy documents that in each case will be subject to Equality Impact Assessment as appropriate.

### **2.6 Risk management**

- 2.6.1 The risks associated with the approval of the LDS 2012 have been assessed. There is a risk that the programme set out in the LDS 2012 might not be achieved due to any of the following:
- Changes in Council priorities and available resources;
  - Capacity of external agencies and bodies to contribute to document preparation, especially with supporting evidence;
  - Nature of representations received on emerging LDDs, or the views of the Planning Inspectorate in holding Examinations into Development Plan Documents;
- or

- Changes in the law or National Planning Policy.

2.6.2 If there is a delay to the agreed work programme:

- Desired development may be delayed or abandoned due to further uncertainty;
- Coordination of development and infrastructure would be more difficult;
- Public and other stakeholders may lose confidence in the plan making process.

2.6.3 In order to minimise these risks, the work programme set out in the LDS 2012 has been drawn up to be challenging but realistic. In addition the work programme will be carefully managed, and full use made of available support from outside agencies e.g. Planning Inspectorate and Planning Advisory Service.

## 2.7 Crime and disorder

2.7.1 There are no crime and disorder implications directly arising from this report.

## 2.8 Environment and sustainability

2.8.1 The LDS 2012 sets out a programme for the preparation of a range of Local Development Documents, all of which address objectives relating to the environment and wider sustainability issues.

## PART 3 - SIGN OFF

- Chief Executive

- Mayor/Cabinet Member(s)

- Chief Finance Officer

- Monitoring Officer

- Strategic Manager for Policy and Partnerships