

# **Cabinet**

**12 October 2015**

**Present:** N Redfearn (Elected Mayor) (in the Chair)  
Councillors EN Darke, R Glendon, IR Grayson, CB Pickard,  
L Spillard, JJ Stirling and A Waggott-Fairley.

**In Attendance:** A Armstrong (Young Mayor)  
P Hedley (Business Sector)  
R Layton (North Tyneside JTUC)  
L Young-Murphy (North Tyneside Clinical Commissioning  
Group)

Councillor G Madden

## **CAB52/10/15 Apologies**

Apologies were received from Councillors CA Burdis and JLL Harrison, A Caldwell (Age UK North Tyneside) and M Cushlow (North Tyneside Clinical Commissioning Group).

## **CAB53/10/15 Declarations of Interest and Dispensations**

There were no declarations of interest or dispensations reported.

## **CAB54/10/15 Minutes**

**Resolved** that the Minutes of the meeting held on 14 September 2015 be confirmed and signed by the Chair.

## **CAB55/10/15 Report of the Young Mayor**

The Young Mayor reported on the following activities in which she and/or Young Cabinet Members had been involved:

- Continued support to the UK Youth Parliament member with the Make Your Mark Ballots. The top three issues that young people in the Borough voted as being the most important were A Living Wage, Curriculum for Life and Transport. The top five topics nationally would be debated at an event in the House of Commons in November when the national campaign for 2016 would be decided.
- As part of World Mental Health Day, attendance at an event at The Crescent Club, Cullercoats, which celebrated the achievements of the Young People's Health and Well-Being Group. Its plans for rolling out the completed lesson plans to high schools had been shared.
- Young Cabinet Members for Ready for School and Ready for Work and Life had met with a School Improvement Officer to discuss how schools shared apprentice and work experience opportunities.
- The Young Cabinet Member for Ready for Work and Life had also visited Chirton Engineering with members of the Authority's Economic Prosperity Sub-Committee. He was contributing to shaping the apprenticeship and work experience services in North Tyneside, by continuing to take part in meetings of the Sub-Committee.
- Attendance at the National Citizens Service Graduation organised by VODA.
- Debate training workshops organised by members of Whitley Bay High School Debating Society.

The Youth Council Annual Debate, to be chaired by the Chair of the Council, would be held on 15 October 2015 at 6pm. The topics for debate were A curriculum to prepare us for life; Tackling racist and religious discrimination, particularly against people of Muslim or Jewish faiths and Making public transport cheaper, better and accessible for all. One of the topics would be taken forward for the Youth Council's campaign next term.

The Young Mayor was thanked for her report. The Young Mayor and Youth Councillors were commended for the work they were doing and their involvement in various initiatives.

### **CAB56/10/15 Cycling Strategy – Overview, Scrutiny and Policy Development Committee Sub-Group Report (All Wards)**

Cabinet received a report from the Overview, Scrutiny and Policy Development Committee in relation to a study undertaken by the Environment Sub-Committee on the 2010 – 2014 North Tyneside Cycling Strategy.

The Sub Committee had agreed to establish a Sub-Group to examine the Cycling Strategy to see what could be done to ensure that it could be used to improve cycling and to maximise investment in cycling in North Tyneside.

Councillor G Madden, a member of the Sub Group, was in attendance to present the report.

The topic had been selected as the current Strategy was due to be renewed during 2015 and Members wished to ensure that the objectives of the 2030 Vision were still appropriate and that steps would be taken to ensure that the North Tyneside cycle network was designed and maintained in accordance with international best practice.

The health benefits of regular cycling were widely acknowledged and North Tyneside had a very high level of cycling in the Borough.

Members had held a series of evidence gathering sessions with officers of the authority, adjacent authorities, and partners along with residents and representatives of cycling groups and had examined examples of international best practice.

As a result of the study the Sub-Group had identified four recommendations for submission to Cabinet which were:

1. Cabinet be requested to endorse the addition of a further key objective to the 2030 Vision, relating to new developments; to agree that an updated set of objectives be incorporated into the 2015-19 Cycling Strategy when drafted; and to agree that the appropriate Local Development Document should be amended, as part of its review, to more robustly reflect best practice with respect to cycling.
2. Cabinet be requested to ensure that the 2015-19 strategy includes a clear indication of strategic cycling routes and a clear indication that initiatives will be developed to further support and increase cycling; and to agree that a target be set for increasing cycling in North Tyneside.
3. Cabinet be requested to ensure that a corporate approach (including Public Health, Highways, Planning and Tourism) to the promotion of cycling in North Tyneside is adopted; and agree that an Annual Information Report on cycling should be provided to Cabinet.
4. Cabinet be requested to ensure that design guidance is developed and that this guidance reflects best practice; and ensure that a corporate approach to maintaining the cycling network is adopted.

The full report, which outlined the key findings, conclusions and recommendations of the review, was attached as Appendix 1.

The Overview, Scrutiny and Policy Development Committee felt that accepting the recommendations set out in the report would ensure that the current high level of cycling within the Borough by residents and visitors would be maintained and improved upon with the consequent health and environmental benefits for the residents of North Tyneside. It would also ensure that facilities for cycling would be identified at an early stage and built into all new developments and highway schemes.

Cabinet was asked to consider the recommendations and was required to provide a response to the Overview, Scrutiny and Policy Development Committee within 2 months.

The Mayor thanked the Sub-Group for the report and looked forward to providing a detailed response to Cabinet.

**Resolved** that the report of the Overview, Scrutiny and Policy Development Committee be noted and a detailed response to the recommendations be provided to a future Cabinet meeting, no later than December 2015.

(Reason for decision - Cabinet has a statutory duty to respond to the Overview, Scrutiny and Policy Development Committee's recommendations within 2 months of receiving them.)

### **CAB57/10/15 North Tyneside Local Plan Pre-Submission Draft (All Wards)**

Cabinet considered a report which requested approval of the Pre-Submission Draft Local Plan. The Pre-Submission Draft had been shaped by a comprehensive development process that had included previous decisions made by Cabinet in October 2013 (Minute CAB101/10/13 refers) and in January 2015 (Minute CAB119/01/15 refers) to undertake public consultation on earlier drafts.

Once adopted, the North Tyneside Local Plan would be the primary document to shape the development and growth of the Borough to 2032. It would identify how much new development was required and where it would be located. The Local Plan would help to deliver the long term aspirations for the Borough and give the Authority greater control over the future pattern of development.

The Pre-Submission Draft of the Local Plan was a key stage. It effectively provided the last formal opportunity to seek feedback on the policies and proposals prior to its formal submission to the Secretary of State and consideration at a public examination.

To help shape the content of the document, the Authority had undertaken widespread engagement with its communities and other key stakeholders, the most recent consultation concluding in March 2015. Simultaneously, the Authority had developed and maintained a comprehensive body of evidence.

In the light of the representations received in March 2015 and the updated evidence, the report sought agreement to the Local Plan Pre-Submission Draft being recommended for approval by Full Council at an Extraordinary meeting on 20 October 2015 so that it could be published for consultation in accordance with the adopted timetable set out within the Local Development Scheme 2015, agreed by Cabinet at its meeting of 13 July 2015 (Minute CAB21/07/15 refers). It also requested the appropriate delegated authorisations to make amendments (where they were deemed appropriate) to the Local Plan prior to its formal submission and during the examination period.

A Supplementary Report had been circulated following publication of the Agenda. This detailed the formal views of the Overview, Scrutiny and Policy Development Committee meeting held on 5 October 2015 (Minute OV9/10/15 refers) where it had resolved to accept the recommendations presented to them in full. The Committee had been presented with drafts of Appendices 1, 2 and 4. Since that meeting, officers had continued to work on the documentation and had introduced a series of alterations which had been included in the Appendices accompanying the Supplementary Report.

The amendments effectively related to typographical and data entry errors; minor updating of reference documents and wording changes to give greater clarification to some of the policies and the supporting text. The integrity of the Pre-Submission Draft and the conclusions of the supporting documentation remained unchanged.

Any recommendations proposed by Cabinet would be reported to full Council in a supplemental report. This report would additionally highlight any minor changes to Appendix 2 not previously identified that may be required following its consideration by Cabinet.

The current Unitary Development Plan (adopted 2002) was becoming increasingly out of date and there was a need to introduce an up to date replacement Local Plan as soon as possible in order to give the Authority:

- Greater control over local decisions on future development;
- The ability to be proactive in accommodating growth and plan for the delivery of supporting infrastructure; and
- A robust framework through which the objectives of the Council Plan could be delivered.

The need to speed up the delivery of local plans nationally to accelerate house building had been highlighted in a written statement by the Minister of State for Housing and Planning, which confirmed that where no Local Plan had been produced by early 2017 the Government would intervene to arrange for the Plan to be written, in consultation with local people, to accelerate production of a Local Plan. The Deputy Mayor also referred to a further Government announcement made earlier today which reiterated that if local authorities failed to agree plans to build new homes by 2017, the Government would intervene to ensure such plans were drawn up for them.

In July 2015, Cabinet had been provided with a detailed update on the progress of the Local Plan since it had last been consulted upon between February and March 2015. This had included a summary of:

- The 2,400 responses received from 515 individuals and organisations
- The new and updated information that was to be produced to strengthen the Local Plan's evidence base (e.g. updated population forecasts, the preparation of 'concept plans' for the strategic development sites at Murton Gap and Killingworth Moor).

Given the additional evidential work needed, Cabinet in July 2015 had further approved an amendment to the Local Plan timetable (the "Local Development Scheme") with the formal publication of the Pre-Submission Draft scheduled for November 2015 with a formal submission in May 2016.

Those comments received to the Local Plan Consultation Draft 2015 had now been fully assessed. A full schedule of the representations received together with an officer response to each comment was set out in Appendix 1 to the report.

The representations received and the additional evidence prepared had been taken into account, together with changes to national planning policy and guidance.

Collectively, these had helped to shape and inform the North Tyneside Local Plan Pre-Submission Draft and Policies Map which were detailed at Appendix 2 of the report.

The Pre-Submission Draft detailed a number of strategic priorities in line with the Council Plan, specifically aimed at enabling economic growth and regeneration, whilst providing a place where people had active healthy and quality lives.

The report also gave details of various policies contained in the draft document.

Determining the required levels of housing growth had come under special scrutiny at examinations elsewhere. Since the introduction of the National Planning Policy Framework (March 2012), some 13 plans had been withdrawn or found unsound largely based on the inadequacy of the evidence to determine the level of housing need or the failure to meet the identified need. For the same reasons, a further 30 plans that had been or were at the examination stage had been suspended to further reconsider their housing growth requirements (based upon the advice of their respective Inspectors).

With the assistance of the Overview, Scrutiny and Policy Development Committee (December 2014) Cabinet had previously considered the evidence prepared to inform the preferred levels of housing and employment growth in January 2015 to inform the then Local Plan Consultation Draft 2015.

To support the overall soundness of the Local Plan it was important that the assessment of housing need was based on the latest available evidence. In February 2015 the Department for Communities and Local Government (DCLG) had published revised 2012 Based Household Forecasts. The updated figures replace the previous 2008 Based and 2011 Based Household Forecasts, which had been used to inform North Tyneside's housing need assessments agreed in January. Based on this updated evidence, the Borough's preferred growth scenario led to an annual requirement for 828 homes per year over the Plan period 2011 to 2032.

In order to support meeting the level of growth, it was important that the Local Plan retained the proposals to allocate the two strategic development sites at Murton Gap and Killingworth Moor.

The Cabinet Member for Housing and Transport had previously requested the production of more detailed visual 'concept plans' for these two sites in order to give residents a clearer understanding of the proposals and how they could support the Authority's vision for North Tyneside (which protected and improved the natural environment, open spaces, wildlife corridors, town centres and created safe and successful communities). In July 2015, Cabinet had been informed of the progress made and the evidential work that had been completed or was programmed. These key pieces of work were now largely completed and had been used to inform the production of indicative concept plans for both sites. Together with revised policy wording, these concept plans were included in the Pre-Submission Draft.

If the Local Plan did not allocate sufficient sites to meet its growth requirements, then it was unlikely that a Planning Inspector would consider it to be sound at examination.

National Planning Policy Guidance had introduced Local Green Space designations as part of the Local Plan process as a way to provide special protection against development for green areas of particular importance to local communities. Its effect was to lend protection to areas of land equivalent to a Green Belt designation and was therefore a stronger protection from future development than a typical open space designation.

A Local Green Space Assessment had been undertaken on a number of sites within North Tyneside.

This Assessment formed part of the evidence base for the Local Plan. Potential sites had been identified through a review of comments to the Local Plan identifying specific areas of green space of value including one specific application for Local Green Space status for land in Benton submitted by the Benton Triangle Action Group.

The Local Green Space Assessment had developed a range of criteria to consider the suitability of land for Local Green Space status in accordance with National Planning Policy Guidance. As part of the assessment, four sites were considered as being potentially suitable: Benton Triangle, Benton Curve, The Crescent site at the Fish Quay and Killingworth Break. The Assessment had concluded that Benton Triangle, Benton Curve and The Crescent site should be protected from development as open space. Due to the specific role and impact of the Killingworth Break upon the character and value of the Killingworth Conservation Area, a Local Green Space policy was proposed for the Killingworth Open Break.

If Cabinet agreed to the Local Plan Pre-Submission Draft and its proposals were subsequently approved by Full Council, this Draft would be made available for public consultation for a period of 6 weeks. This was expected to commence on or around 2 November 2015. Details of the proposed consultation were given in the report.

Following the close of the consultation, all responses would be logged and analysed. In the event that the consultation raised serious legal compliance or soundness issues, it may be necessary to amend the Local Plan and undertake this stage again.

In accordance with the Authority's Local Development Scheme, the Submission Draft (together with any suggested minor changes proposed by Council) would be formally submitted alongside the whole evidence base and the representations made during the consultation to the Secretary of State for examination in May 2016.

It was expected that the Local Plan examination would start in September 2016 before an independent Planning Inspector who would then prepare a report which would recommend any changes to the final version of the Local Plan. Subject to the examination process, it was expected that the Local Plan would be adopted by March 2017.

Cabinet considered the following decision options:-

Option 1 – Agree with the recommendations as set out at paragraph 1.2 of the report.

Option 2 – Agree with the recommendations set out at paragraph 1.2, but request Officers to make additional amendments to the Pre-Submission Draft or consultation process, authorising the Head of Environment, Housing and Leisure, in consultation with the Cabinet Member for Housing and Transport and the Deputy Mayor, as part of the Local Plan Steering Group, to agree any final changes ahead of the publication of the document.

Option 3 – Decline to approve the recommendations in paragraph 1.2 of the report.

**Resolved** that (1) the consultation undertaken in the preparation of the Local Plan and the Authority's response to comments that have been made be noted;

(2) the recommendations of the Overview, Scrutiny and Policy Development Committee held on 5 October 2015 on the Pre-Submission Draft be received and the proposed responses to those recommendations set out in the addendum report, be approved;

(3) the Local Plan Pre-Submission Draft (Appendix 2 to the report) be referred to Full Council on 20 October 2015 for approval and Full Council be requested to authorise pre-submission consultation; and

(4) Full Council be also requested to authorise the Head of Environment, Housing and Leisure, in consultation with the Cabinet Member for Housing and Transport, the Deputy Mayor and the Head of Law and Governance, to:

- a) make minor modifications to the approved Pre-Submission Draft prior to its publication;
- b) submit the Submission Draft (i.e. the Pre-Submission Draft with any minor modifications) to the Secretary of State, subject to no substantive representations being received that would require “main modifications” (to ensure the Draft remains sound and legally compliant) to be made to the Draft by Full Council;
- c) make any changes necessary to the Submission Draft and supporting documentation during its examination; and
- d) undertake consultation on any modifications to the Submission Draft recommended by the Planning Inspector acting on behalf of the Secretary of State at examination.

(Reason for decision - The Pre-Submission Draft Plan is based on relevant and up to date evidence and has been prepared in accordance with the National Planning Policy Framework. The Pre-Submission Draft Plan addresses the strategic priorities for planning in North Tyneside in accordance with national planning guidance. The level of growth proposed is considered to be realistic for what the Borough could accommodate that best matches its growth aspirations, thereby providing the Authority with greater control over which sites are released for development. It will enable the onward progress of the North Tyneside Local Plan without additional delay.)

### **CAB58/10/15 Our North Tyneside Performance Report (Previous Minute CAB149/03/15) (All Wards)**

Cabinet considered a report which provided an update on the progress that had been made to deliver the aims and objectives of the Our North Tyneside Plan.

There were now seventeen measures within the Our North Tyneside Plan, nine of which were reporting new or updated information as set out in the report. Performance against the Our North Tyneside Plan was showing that seven measures were improving in relation to:

- NHS Health Checks per eligible population (measure 3)
- Net additional homes provided (measure 6a)
- Number of affordable homes delivered (measure 6b)
- Swans Infrastructure Project (Measure 7a)
- Coast Infrastructure project (Measure 7b)
- Number of business rates payers in North Tyneside (Measure 8b)
- Jobseeker’s Allowance (JSA) claimants (Measure 9)

One measure had remained the same (the number of small business start ups – measure 8a) and one measure had declined (alcohol related admissions to hospital – measure 3c)

There were 8 measures that had not been updated at this time. New information would be available for these measures in time for the next report to Cabinet in March 2016 with the exception of Measure 10 (skills shortage vacancies per 100 vacancies), which was surveyed every 2 years. Its next update was expected in September 2016.

Appendix 1 to the report provided the full Our North Tyneside Performance Report

Cabinet considered the following decision option: to note the progress made against the delivery of the Our North Tyneside Plan and that the measures will continue to be assessed to ensure that they are appropriate.

**Resolved** that the progress made against the delivery of the Our North Tyneside Plan be noted.

(Reason for decision – this forms part of the agreed performance management framework for the Our North Tyneside Plan.)

## **CAB59/10/15 Strategic Property Update (Chirton and Camperdown Wards)**

Cabinet considered a report which requested that two assets be declared surplus, in principle, to the Authority's requirements which would allow Officers to invite offers from interested parties in advance of the options being considered by Cabinet in the New Year to help inform the final decision for the operational depot estate.

The Strategic Property Group (SPG) had undertaken a review of the Authority's operational depot estate. This had included consideration of a number of options for potentially rationalising and investing in the estate to reduce risk, ongoing liabilities and property costs to meet the changing needs of the following service areas: Street Cleansing; Waste Management; Grounds Maintenance; Construction and Building Maintenance; and Highway Maintenance.

Rationalising the depot estate would ensure that the Authority could continue to deliver high quality environmental services to its residents and to businesses located within the Borough.

Following the initial scoping exercise, the following three options had originally been presented to the SPG linked to the operational depot estate:

- part refurbishment of the depot at the Killingworth Site;
- new depot at a central site, and
- do minimum.

The SPG had considered the three initial options and concluded that the 'do minimum' option should not be explored further. Officers had therefore been asked to do further exploratory and feasibility work to better understand the detail behind the remaining two options as well as engaging with the market.

Both of the two current options would promote the sale of an area of land at High Flatworth, North Shields. Details of this option, including a plan of the site, were set out in the report. The playing fields at High Flatworth were not included within the disposal area and were protected by a Sport England restriction.

One of the options promoted the sale of the existing Killingworth Site, details of which were given in the report. The property had already been the subject of a soft market testing exercise which had resulted in three parties expressing an interest in the site. It was therefore likely to be suitable for ongoing employment use.

Officers had now concluded the work and following discussions at the September 2015 meeting of the SPG, it was anticipated that two options for rationalising the estate would be put forward to Cabinet for consideration early in 2016. If Cabinet was minded to approve one of the options, the matter would then be referred to Full Council for consideration because of the financial implications associated with both of them.

The ability to dispose of the two assets referred to in the report was key to which option could be recommended to Cabinet for approval. It was therefore proposed that they were declared surplus, in principle, to the Authority's requirements in order to allow Officers to secure formal interest in the properties from potential purchasers through appropriate methods of marketing.

Marketing the two sites would not commit the Authority to their disposal. Any confirmed interest received for the properties would be used to help inform Cabinet when it considered an appropriate depot solution.

Cabinet considered the following decision options:



Option 1 – approve the recommendation at paragraph 1.2 of the report and approve both properties being declared surplus, in principle, to the Authority’s requirements.

Option 2 – approve the recommendation at paragraph 1.2 of this report in respect of either one of the properties and approve that property being declared surplus, in principle, to the Authority’s requirements.

Option 3 – not approve the recommendation at paragraph 1.2 of the report and not authorise the properties being declared surplus, in principle, to the Authority’s requirements.

**Resolved** that (1) the land at High Flatworth and the Killingworth Site, as identified in the report, be declared, in principle, as surplus to the Authority’s requirements; and (2) the Head of Commissioning and Investment, in consultation with the Head of Law and Governance, be authorised to seek formal interest in these proposed surplus sites from potential purchasers.

(Reason for decision – It is considered the best way to ensure that a future meeting of Cabinet is fully informed regarding the potential disposal of these properties when considering future rationalisation options for the operational depot estate.)

### **CAB60/10/15 Exclusion Resolution**

**Resolved** that under Section 100A (4) of the Local Government Act 1972 (as amended) and having applied a public interest test as defined in Part 3 of Schedule 12A of the Act, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act.

### **CAB61/10/15 Swans Update (Previous Minute CAB18/06/14) (Wallsend Ward)**

Cabinet considered a report which requested decisions on two issues related to the development of the Swans site by the Authority’s development partner.

Cabinet considered the following decision options:-

Option 1 – (i) extend the longstop date for entering into a Development Agreement with the Authority’s development partner for the first Phase of development at the Swans site, Wallsend (in the Authority’s Contract of 17 July 2014), by 12 months from 30 June 2015 to 30 June 2016; and

(ii) negotiations be undertaken and a variation of the Contract with the development partner be entered into for the design and construction of a new quay wall and infilling of the wet berth at Swans.

Option 2 – the longstop date for entering into a Development Agreement with the development partner, for the first Phase of development at the Swans site, Wallsend (in the Authority’s Contract of 17 July 2014) is not extended beyond 30 June 2015, the Contract with the development partner is terminated and the Authority pursues alternative solutions for developing the industrial units at the site.

**Resolved** that (1) the longstop date for entering into a Development Agreement with the development partner for the first Phase of development at the Swans site, Wallsend be extended by twelve months from the current date of 30 June 2015 to 30 June 2016; and (2) the Head of Business and Economic Development, in consultation with the Deputy Mayor, Head of Law and Governance and the Head of Finance, be authorised to negotiate and enter into a variation of the Contract with the development partner for the design and construction of a new quay wall and infilling of the wet berth at Swans.

(Reason for decision – The extension of the longstop date to June 2016 for the development partner to enter into a development agreement with the Authority is reasonable given the current low demand for space within the oil and gas sector. An extension will give the development partner time to complete additional infrastructure and the confidence to continue investing resources into marketing the site. The appointment of the development partner to design and construct the wet berth infill works is allowed for under the terms of their appointment, it provides the quickest route to appointing designers and a contractor and provides the development partner as end developer of the buildings control over the design and implementation of the wet berth works.)

**CAB62/10/15 Date and Time of Next Meeting**

6.00pm on Monday 9 November 2015.

**Minutes published on Thursday 15 October 2015.**

**The decisions contained within these Minutes may be implemented (unless called in by 3 Non-Executive Members for consideration by the Overview, Scrutiny and Policy Development Committee) immediately following the expiry of the call-in period; i.e. 5.00pm on 22 October 2015.**