

North Tyneside Council

Report to Council

Date: 20 October 2015

ITEM 3

Title: North Tyneside
Local Plan
Pre-Submission
Draft 2015

Portfolio(s): Housing and Transport

Cabinet Member(s): Cllr. John Harrison

Report from Service Area: Environment, Housing and Leisure

Responsible Officer: Phil Scott – Head of Environment,
Housing and Leisure

Tel: (0191) 643 7295

Wards affected: All

PART 1

1.1 Executive Summary:

The purpose of this report is to seek Council approval of the Pre-Submission Draft Local Plan. The Pre-Submission Draft has been shaped by a comprehensive development process, including significant public consultation.

Once adopted, the North Tyneside Local Plan will be the primary document to shape the development and growth of the borough to 2032.

The Pre-Submission Draft of the Local Plan is a key stage. It provides 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 Local Plan Pre-Submission Draft, the Authority has undertaken widespread engagement with its communities and other key stakeholders, the most recent consultation concluding in March 2015. Simultaneously, the Authority has developed and maintained a comprehensive body of evidence.

In the light of the representations received in March 2015 and the updated evidence, this report seeks Council's agreement to the Local Plan Pre-Submission Draft so that it may be published for consultation in accordance with the approved timetable agreed by Cabinet 13 July 2015. It also seeks to set in place the appropriate delegated authorisations to make amendments (where they are deemed appropriate) to the Local Plan prior to its formal submission and during the examination period.

1.2 Recommendation(s):

It is recommended that Council:

- (1) note the consultation undertaken in the preparation of the Local Plan and the Authority's response to comments that have been made;

- (2) receive the recommendations of Cabinet held on 12 October 2015 on the Pre-Submission Draft together with details of any recommendations of the Overview and Scrutiny and Policy Development Committee and the Cabinet's response to these as set out in the addendum report (to be circulated prior to the meeting);
- (3) approve the Pre-Submission Draft at Appendix 2 to be published and authorise pre-submission consultation;
- (4) 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.

1.3 Forward Plan:

At its July 2015 meeting, Cabinet approved a revision to the Local Development Scheme which required a meeting of Council in October 2015 to meet this milestone. This report first appeared on the Forward Plan that was published on 5 October 2015.

1.4 Council Plan and Policy Framework

This report relates to the following priorities in the 2014/18 Our North Tyneside Plan:

- Our people will be supported to achieve their full potential and will live healthier and longer lives;
- Our places will be where people want to live and attract others to visit. Aligned to this, we will have more quality affordable homes and work collectively to regenerate the Borough;
- Our economy will grow by building on its existing strengths, creating the right conditions to support future investment and enabling local people to have the skills that match business requirements; and
- Our Partners, including police, fire and rescue service, NHS and businesses and manufacturers will be assisted to develop and expand.

The Local Plan is part of the Authority's Policy Framework and as such is subject to the Budget and Policy Framework Procedure Rules, and therefore will be progressed in accordance with those Rules.

Any Member wishing to propose any objections to the Cabinet's proposals for the Pre-Submission Draft must submit these in writing to the Head of Law and Governance on behalf of the Chief Executive no later than 4pm on 19 October 2015.

Following its submission to the Secretary of State an Inspector will be appointed to examine the soundness and legal compliance of the Local Plan. The Inspector will prepare a report setting out the conclusions of that examination and any final recommended changes to the Local Plan. Following receipt of this report, and its

consideration and agreement by Cabinet, final adoption of the Local Plan, currently expected in early 2017, will be a decision for Full Council.

1.5 Information:

1.5.1 Background to the Local Plan

1.5.2 The current Unitary Development Plan (adopted 2002) is becoming increasingly out of date. Hence there is 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 can be delivered.

1.5.3 The need to speed up the delivery of local plans nationally to accelerate house building was highlighted in a written statement by the Minister of State for Housing and Planning which confirmed *inter alia* where no Local Plan has been “...produced by early 2017....we [the Government] will intervene to arrange for the Plan to be written, in consultation with local people, to accelerate production of a Local Plan”.

1.5.4 The Local Plan Consultation Draft 2015

1.5.5 To assist in the preparation of the Local Plan Consultation Draft 2015, the Overview, Scrutiny and Policy Development Committee considered two reports in December 2014 and February 2015 in relation to:

- The overall robustness of the proposed engagement activities for the then Local Plan’s forthcoming consultation; and
- The range of evidence prepared to inform three realistic growth options required to meet the borough’s housing and employment needs to 2032.

1.5.6 At its December 2014 meeting, this Committee recommended to the January 2015 Cabinet that ‘Growth Option B’ should be followed.

1.5.7 The Local Plan Consultation Draft 2015 was made available for public comment between 9 February and 27 March 2015. In response, 515 individuals or organisations submitted written responses amounting to over 2,400 separate comments to the draft policies and proposals. Five petitions were also received:

- Three containing some 420 signatories relating to the Murton Gap proposal;
- One containing some 993 signatures relating to the four sites proposed at Benton (ie the residential proposals at Site 17 Station Road West, Site 139 Darsley Park, Site 111 East Benton Farm and to the employment allocation at Site 110 Proctor and Gamble, Whitley Road); and
- One containing some 250 signatories relating to Site 45 Charlton Court, Cedar Tree Gardens.

1.5.8 In July 2015, Cabinet considered and endorsed a report on the Local Plan’s progress including the next steps. In short that report outlined :

- A summary of the responses received to the Local Plan Consultation Draft 2015;
- The need to prepare and update additional evidence to support the Local Plan (eg updated population forecasts, the preparation of concept plans for the strategic development sites at Murton Gap and Killingworth Moor);

- The timescales required to prepare this additional evidence that would necessitate a formal amendment to the Local Plan timetable (the Local Development Scheme); and
- Proposals to formally establish a Local Plan Steering Group to advise on issues as they emerge and oversee the future delivery of the Local Plan.

1.5.9 Background to the Preparation of the Local Plan Pre-Submission Draft 2015

1.5.10 Moving on from the previous draft of the Plan, the next stage requires the Authority to publish and consult on a 'Pre-Submission Draft' of the Local Plan. This is a critical stage in the Plan's formulation. In effect, unless there are significant changes that are required to be made (arising from the consultation into that draft), it will largely be this version of the Plan that the Authority will submit to the Secretary of State for formal examination before an independent Planning Inspector.

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

1.5.12 The representations received and the additional evidence prepared has been taken into account together with changes to national planning policy and guidance. Collectively, these have helped to shape and inform the North Tyneside Local Plan Pre-Submission Draft and Policies Map which are set out at Appendix 2.

1.5.13 The North Tyneside Local Plan Pre-Submission Draft – Summary of Proposals.

1.5.14 The Pre-Submission Draft sets out 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 have active healthy and quality lives.

1.5.15 The Pre-Submission Draft includes policies relating to:

- Climate change mitigation and adaptation;
- The prioritisation of employment along the River Tyne North Bank, the A19 corridor, Weetslade Balliol East and West, and Gosforth Business Park and Whitley Road;
- Wallsend, North Shields and the Coastal area – particularly Whitley Bay will provide a focus for new retail, leisure, office and tourist development;
- Additional priority will be given to the regeneration and development of North Shields, the Coast and Wallsend and also the North West Communities;
- Enable the delivery of sufficient homes to meet the borough's agreed housing requirement, including the specific identification of land for about 8,500 new homes across a range of sites;
- Supporting the level of growth with the necessary infrastructure such as roads, public transport, health, education, open space, community and cultural facilities
- A baseline target of 25% of new homes built to be affordable;
- The introduction of minimum space and accessibility standards for new housing;
- The retention of the Green Belt within North Tyneside; and
- Protecting and enhancing built and natural assets such as open spaces, designated ecological sites, cycle routes, listed buildings and conservation areas.

1.5.16 Determining the Levels of Growth for Housing

1.5.17 Determining the required levels of growth (otherwise known as the 'objectively assessed need') has come under especial scrutiny at examinations elsewhere. Since the introduction of the National Planning Policy Framework (March 2012), some 13 plans have 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 are / were at the examination stage have been suspended to further reconsider their housing growth requirements (based upon the advice of their respective Inspectors).

1.5.18 With the assistance of Overview, Scrutiny and Policy Development (December 2014) Cabinet 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.

1.5.19 To support the overall soundness of the Local Plan it is important that our assessment of housing need is based on the latest available evidence. In February 2015 the Department for Communities and Local Government (DCLG) 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 leads to an annual requirement for 828 homes per year over the plan period 2011 to 2032.

1.5.20 Strategic Development Sites at Murton Gap and Killingworth Moor

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

1.5.22 The Cabinet Member for Housing and Transport 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 protects and improves our natural environment, open spaces, wildlife corridors, town centres and creates safe and successful communities). In July 2015, Cabinet was informed of the progress made, the discussions held with land owners and the evidential work that had been completed or was programmed. These key pieces of work are now largely completed and have been used to inform the production of indicative concept plans for both sites. Together with revised policy wording which explains the role of both the concept plans and subsequent masterplans, these are shown at Policy S7.4(a-c) of the Pre-Submission Draft.

1.5.23 When read in conjunction with the Policy, these concept plans illustrate in diagrammatical terms :

- How the Strategic Allocations could incorporate new areas of formal and informal open space (including landscape buffers);
- Measures to protect, create and enhance areas for wildlife and biodiversity;
- The provision of sustainable drainage solutions to address flood risk which can be integrated with open space and biodiversity;
- The broad locations for the 'blocks' of residential development (to include employment at Killingworth Moor);
- The specific key infrastructure requirements and broadly where these could be located. This includes the provision of a primary school for Murton Gap and both

a primary and secondary school for Killingworth Moor, the key points of access into the sites and the provision of community facilities / local centres.

- The potential phasing for when development may take place on different parts of the sites.

1.5.24 If the Local Plan does not allocate sufficient sites to meet its growth requirements, then it is unlikely that a Planning Inspector will consider it to be sound at examination. Local Green Space Designations

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

1.5.26 A Local Green Space Assessment has been undertaken on a number of sites within North Tyneside. This Assessment forms part of the evidence base that has been developed to inform the Local Plan. Potential sites were identified through a review of comments received to the Local Plan consultation processes so far. This review identified specific areas of green space considered by residents as being of value and included one specific application for Local Green Space status for land in Benton submitted by the Benton Triangle Action Group. The four sites considered as being potentially suitable within this Assessment are shown at Appendix 3 and are :

- Benton Triangle;
- Benton Curve;
- The Crescent site at the Fish Quay; and
- Killingworth Open Break.

1.5.27 The Local Green Space Assessment has developed a range of criteria to consider the suitability of land for Local Green Space status in accordance with National Planning Policy Guidance.

1.5.28 The Assessment concluded that Benton Triangle, Benton Curve and The Crescent site should be protected from development through the Local Plan 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 is proposed for the Killingworth Open Break.

1.5.29 Proposals to Consult on the Local Plan Pre-Submission Draft 2015

1.5.30 If Council agrees to the Local Plan Pre-Submission Draft, this Draft will be made available for public consultation for a period of 6 weeks that is expected to commence on or around the 2 November 2015.

1.5.31 Public consultation will conform to the legal requirements set out in planning legislation and the Authority's Statement of Community Involvement (adopted 2013) and will include:

- Press releases;
- A direct mail leaflet to all homes in the borough;
- Direct notification to previous respondents (including those bodies listed in planning regulations);
- Public engagement events;
- The Authority's website;

- Making copies of the Local Plan Pre-Submission Draft and Policies Map and the Sustainability Appraisal available on the North Tyneside Council website and hard copies available to view at local libraries and the North Tyneside Council Quadrant office. All other supporting material and supporting evidence will be available to view electronically via the Authority's website;
- A 'model' response form will be available through the Authority's website, at libraries, at the consultation events and from the main Council Office. An on-line version of the response form will also be available to complete via the Authority's dedicated Local Plan webpage.

1.5.32 Next Steps

- 1.5.33 Subject to Council approval, the forthcoming 6 week consultation period for the Pre-Submission Draft will seek feedback on whether or not residents and other interested parties consider its policies and proposals to be compliant against both the legal requirements and the 'four tests of soundness' set out within the National Planning Policy Framework (NPPF). Further explanation of these key principles is set out at Appendix 4.
- 1.5.34 Responses must be made in writing (giving details of each respondent) and submitted by the required deadline. The Authority is not legally obliged to receive late responses. Following the close of this next round of consultation, all responses will be logged and analysed.
- 1.5.35 In the extreme event that the November / December 2015 consultation raises serious legal compliance or soundness issues, it may be necessary to amend the Local Plan and carry this stage out again.
- 1.5.36 Otherwise, in accordance with the Authority's Local Development Scheme (approved July 2015), the Local Plan (including any suggested minor changes proposed by the Authority) will be formally submitted to the Secretary of State in May 2016. The Authority must also submit the entire evidence base and all responses received to the Pre-Submission draft.
- 1.5.37 Upon receipt of all the relevant documentation, the Secretary of State will appoint an independent Planning Inspector who will conduct the formal public examination. It is expected that the examination will commence in September 2016. The Inspector will set out the range of matters he/she wishes to discuss at the oral hearings to help with the deliberations and will be required to take into account all responses received. Whilst the examination will be open for any person to attend, only those responses received to the Pre-Submission draft consultation will be formally considered by the Planning Inspector. Furthermore, only those persons who have objected to the Pre-Submission Draft will be entitled to be heard at the formal examination hearings at the invitation of the Planning Inspector.
- 1.5.38 On the close of the examination, the Planning Inspector will then prepare a report which will conclude whether or not the Plan is both 'sound' and legally compliant and therefore whether it should be adopted. The Inspector will also recommend whether or not any amendments should be made to the final version of the Local Plan. Subject to the examination process, it is expected that the Local Plan will be adopted March 2017.

1.6 Decision options:

The following decision options are available for consideration by Council:

Option 1

Agree with the recommendations as set out at paragraph 1.2 of this 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 this Report.

Option 1 is the recommended option.

1.7 Reasons for recommended option:

Option 1 is recommended for the following reasons:

- 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; and
- It would enable the onward progress of the North Tyneside Local Plan without additional delay.

1.8 Appendices:

Copies of appendices 1, 2 and 5 are very large documents and have been deposited in the Group rooms and published on the Authority's website at the following link:

http://www.northtyneside.gov.uk/browse-display.shtml?p_ID=562646&p_subjectCategory=40

Appendix 1 - Schedule of Representations Received to the Local Plan Consultation Draft Policies (2015) and Officer Responses

Appendix 2 - North Tyneside Local Plan Pre-Submission Draft and Policies Map

Appendix 5 - Draft Sustainability Appraisal and Appropriate Assessment

Appendices 3 and 4 are included with the main report as attached.

Appendix 3 – The Four Sites Assessed as Local Green Space Designations

Appendix 4 – What does Legal Compliance and Soundness Mean?

1.9 Contact officers:

Jackie Palmer, Planning Manager (0191 643 6336)
Neil Cole, Planning Policy Manager (0191 643 6326)
Martin Craddock, Senior Planning Officer (0191 643 6329)
Catherine Lyons, Regulatory Services Manager (0191 643 7780)
Alison Campbell, Senior Business Partner (0191 643 7038)

1.10 Background information:

The following background papers/information have been used in the compilation of this report and are available at the officer of the author.

- 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.](#)
- 6 [National Planning Guidance \(2014\)](#)
- 7 [Our North Tyneside Plan 2014-18](#)
- 8 [Cabinet Report : Core Strategy and Area Action Plan Cabinet response to Overview and Scrutiny recommendations \(June 2013\)](#)
- 9 [Council Report : North Tyneside Local Plan: Consultation Draft \(September 2013\)](#)
- 10 [Local Plan Consultation Draft, November 2013](#)
- 11 [Cabinet Report : Core Strategy and Area Action Plan Cabinet response to Overview and Scrutiny recommendations \(June 2013\)](#)
- 12 [Cabinet Report : North Tyneside Local Plan: Consultation Draft \(October 2013\)](#)
- 13 [Cabinet Report : North Tyneside Local Development Scheme, Update 2014 \(October 2014\)](#)
- 14 [Overview, Scrutiny and Policy Development Committee Report: North Tyneside Local Plan – Further Consultation Draft \(1 December 2014\)](#)
- 15 [Overview, Scrutiny and Policy Development Committee Report: North Tyneside Local Plan – Further Consultation Draft \(February 2015\)](#)
- 16 [Cabinet Report : North Tyneside Local Plan Consultation Draft 2015 \(January 2015\)](#)
- 17 [Cabinet Report : North Tyneside Local Plan Update \(July 2015\)](#)
- 18 [Local Plan Consultation Draft, November 2015](#)
- 19 [North Tyneside Statement of Community Involvement 2013](#)
- 20 [Written Statement of Minister of State for Housing and Planning “Local Plans” \(21st July 2015\)](#)
- 21 [North Tyneside Local Plan Evidence Base Schedule](#)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

The staff, printing, and other costs to produce the Local Plan will be met where possible from within existing Authority revenue budgets. There is a potential for increased costs due to the increased amount of work that will be necessary to ensure the adoption of the Local Plan. The potential pressure was considered as part of the 2014/15 final accounts process and included in the 2014/15 Financial Outturn was the creation of a specific reserve of £0.120m to support additional expenditure. The reserve will be managed in accordance with the Authority’s Reserves and Balances Policy.

The Development Plan is part of the Authority's Policy Framework and subject to the Policy Framework Procedure Rules. The Local Plan represents a longer term vision for North Tyneside and areas within the Borough and as such is necessary. As elements of the Local Plan come forward the financial implications will be costed and details included for approval within the Financial Planning and Budget process.

2.2 Legal

The Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) and associated Regulations require the Authority to keep under review matters affecting planning and development, and to make any necessary changes to Local Development Documents.

The Local Plan forms part of the Authority's Policy Framework and is required to be formulated and progressed in compliance with the requirements of the Policy Framework Procedure Rules at section 4.7 of the Authority's Constitution.

The mechanism for consideration and approval of the Development Plan, as outlined in the report to Cabinet on 13 October 2014, has included consultation and consideration of the proposals at various stages by Cabinet and the Overview Scrutiny and Policy Development Committee. It requires approval by Full Council, prior to consideration by an independent Inspector appointed by the Secretary of State.

The procedure as set out at section 4.7 of the Constitution allows for the Members to submit written objections to the Chief Executive (via the Head of Law and Governance) to the Pre-Submission Draft by 4.00pm on the 19 October 2015. Any objections received will be circulated to all Members by 12 noon on the day of the Council meeting (20 October).

The saved UDP policies (2002) remain the borough's adopted development plan until replaced by adoption of the North Tyneside Local Plan (anticipated March 2017).

Until then, the emerging Local Plan can still be a material consideration to determine planning applications. Paragraph 216 of the NPPF indicates that weight can be given to the emerging Local Plan. This will be limited in the short term but will increase as it advances through the statutory stages (i.e. Publication Draft, Submission Draft etc). Until the Inspector's Recommendations are received (after the Examination), the degree of weight will also be influenced by the extent to which there are unresolved objections to the relevant policies (the less significant these objections are, the greater the weight that may be given).

2.3 Consultation/community engagement

2.3.1 Internal Consultation

In preparing the Local Plan Pre-Submission Draft, consultation with relevant Officers was undertaken. This includes the Senior Leadership Team, officers in the Regeneration Team, Highways Traffic and Rights of Way Management, Planning Development Management, Housing Strategy, Consumer Protection, Arts Tourism and Heritage and the Town Centre Manager.

In accordance with the Cabinet resolution (July 2015), the Local Plan Steering Group was formally established in July 2015 and to date, has met on 5 separate occasions with further meetings scheduled throughout the course of the year. The Steering Group

comprises the Deputy Mayor, the Cabinet Member for Housing and Transport and the Head of Environment, Housing and Leisure and is supported by a cross-departmental team of officers. The Steering Group has been fully engaged in understanding the evidence base, advising on key issues as they emerge and ensuring the delivery of the Local Plan remains on track in accordance with the adopted Local Development Scheme.

A detailed report on the Pre-Submission Draft was considered by Overview, Scrutiny and Policy Development Committee on 5th October 2015 whose recommendations and/or observations were presented to Cabinet on 12th October 2015. Following this Cabinet meeting, an addendum will be prepared for Council's consideration setting out the recommendations of Cabinet together with details of any recommendations of the Overview, Scrutiny and Policy Development Committee and the Cabinet's response to these.

2.3.2 External Consultation/Engagement

The Pre-Submission Draft has evolved through two formal and extensive engagement periods with local communities and key stakeholders. The first was between November 2013 and January 2014 (which were considered by Overview, Scrutiny and Policy Development Committee in December 2014 and Cabinet in January 2015). Full cognisance of the representations received on the second Consultation Draft published between February and March 2015 has similarly been given to shape and influence this Pre-Submission Draft.

An ongoing constructive dialogue has been maintained with the adjoining local authorities of Northumberland County Council and Newcastle City Council in accordance with the duty to cooperate and with key infrastructure providers in the preparation of the draft Infrastructure Delivery Plan.

2.4 Human rights

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

2.5 Equalities and diversity

There are no equality and diversity implications directly arising from this report. An Equalities Impact Assessment has been completed for the forthcoming consultation and the actions arising have been incorporated into our proposed engagement strategy outlined at 1.5.30 of this report.

2.6 Risk management

The risks associated with the preparation and engagement on the Local Plan has previously been assessed. The risks identified have been added to the relevant risk register. They will be managed using the Authority's risk management process. These include:

- changes in Authority priorities and available resources;
- capacity of external agencies and bodies to contribute to document preparation, especially with supporting evidence;
- the nature of representations received on emerging Local Development Documents;
- the views of the Planning Inspectorate in holding Examinations into Development Plan Documents; and
- changes in the law or National Planning Policy.

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; and
- Public and other stakeholders may lose confidence in the plan making process.

There is inevitably a risk, following submission to the Secretary of State, of the Local Plan being challenged and subsequently found unsound at examination. Representations received at this Pre-Submission Draft stage will be focused on legal compliance and soundness and depending on the issues raised Officers in conjunction with the Local Plan Steering Group will make an informed judgement as to whether the plan should be formally submitted to the Secretary of State or whether any additional work is needed. The proposed recommendations of this report specifically manage the potential risk of the Planning Inspectorate finding the development plan documents unsound, which would lead to further cost and delay for the Authority.

2.7 Crime and disorder

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

2.8 Environment and sustainability

Promoting sustainable development is an explicit requirement of any development planning document. The policies and proposals suggested within this Draft have been the subject of formal Sustainability Appraisal and Appropriate Assessment as detailed at Appendix 5 to this Report.

PART 3 - SIGN OFF

- Deputy Chief Executive
- Head(s) of Service
- Mayor/Cabinet Member(s)
- Chief Finance Officer
- Monitoring Officer
- Head of Corporate Strategy

Appendix 3 - Four Sites Assessed as Local Green Space Designations

Site (i) - Benton Triangle



Site (ii) - Benton Curve



Site (iii) - The Crescent, Fish Quay, North Shields

Shown in Green – Opposite the Irvin Building the units shown on map are now demolished.



Site (iv) - Killingworth Break



Appendix 4

What does Legal Compliance and Soundness Mean?

Legal compliance is used to check that the Local Plan:

- i. Meets the legal requirements under s20(5) (a) of the 2004 Act (as amended by the Localism Act 2011) and the Town and Country Planning (Local Planning) (England) Regulations 2012 before moving on to test for soundness.
- ii. Fits within the most up to date Local Development Scheme (LDS) and the key stages should have been followed.
- iii. The process of community involvement for the Local Plan should be in general accordance with the Council's Statement of Community Involvement.
- iv. On publication of the consultation, the Council must publish the documents prescribed in the regulations, and make them available for inspection at specified offices and on their website. The Council must also place local advertisements and notify the Development Plan Document bodies (as set out in the regulations) and any persons who have requested to be notified. The Council is required to publish the Sustainability Appraisal along side the Local Plan.
- v. The Local Plan should have regard to national planning policy as set out in the National Planning Policy Framework (NPPF) 2012.
- vi. The Council is expected to have followed the Duty to Co-operate requirements. These requirements are set out in Section 110 of the Localism Act 2011.
- vii. The Local Plan must have regard to the Council's Sustainable Community Strategy in this case, "Our North Tyneside Plan 2014-18".

The four tests of soundness are set out in the National Planning Policy Framework (NPPF). Para 182 states that "*The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. The Council should submit a plan for examination which it considers is 'sound' ", namely that it is*":

- i. Positively Prepared: based on a strategy which seeks to meet objectively assessed development and infrastructure requirements. This means that the Plan should be based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development. The NPPF has 12 principles through which it expects sustainable development can be achieved.
- ii. Justified: the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence. This means that the Local Plan should be based on a robust and credible evidence base involving:
 - Research/fact finding: the choices made in the plan are backed up by facts
 - Evidence of participation of the local community and others having a stake in the area.
 - The Local Plan should also provide the most appropriate strategy when considered against reasonable alternatives. These alternatives should be realistic and subject to sustainability appraisal. The Local Plan should show how the policies and proposals help to ensure that the social, environmental, economic and resource use objectives of sustainability will be achieved.
- iii. Effective: deliverable over its period based on effective joint working on cross boundary strategic priorities. This means the Local Plan should be deliverable, requiring evidence of:
 - Sound infrastructure delivery planning;
 - Having no regulatory or national planning barriers to delivery;
 - Delivery partners who are signed up to it; and

- Coherence with the strategies of neighbouring authorities, including neighbouring marine planning authorities.
 - It should be flexible and able to be monitored.
- iv. Consistent with national policy: enabling the delivery of sustainable development. The demonstration of this is a 'lead' policy on sustainable development which specifies how decisions are to be made against the sustainability criterion.