

North Tyneside Council

Report to Council

Date: 20 July 2017

ITEM 8

Title: Adoption of the
North Tyneside Local
Plan

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 Wards

PART 1

1.1 Executive Summary:

The purpose of this report is to ask that full Council adopt the North Tyneside Local Plan and North Tyneside Local Plan Policies Map, following completion of an Examination in Public by an independent Planning Inspector.

1.2 Recommendation(s):

It is recommended that Council:

- (1) note the recommendations of the independent Inspector in his Report to the Authority to make Main Modifications to the Local Plan;
- (2) receive the recommendation of Cabinet at its meeting of 12th June 2017;
- (3) adopt the Local Plan and the Local Plan Policies Map including the Main and Minor Modifications; and
- (4) authorise publication of the Local Plan Adoption Statement.

1.3 Forward Plan:

Twenty eight days notice of this report has been given and it first appeared on the Forward Plan that was published on 19 June 2017.

1.4 Council Plan and Policy Framework

The Local Development Scheme sets out the timetable for the production of the Authority's Local Plan and its other supporting documents. Collectively, these are key mechanisms to delivering a number of the objectives of the Council Plan "Our North Tyneside Plan 2016-19", including:

- Our people will be listened to, and involved by responsive, enabling services;
- Our places will be great places to live, and attract others to visit or work here;

- Our economy will grow by building on our strengths and having the right skills and conditions to support investment; and
- Our partners include police, fire and rescue, NHS, the voluntary sector, schools and businesses.

As a development plan for the Authority, the Local Plan is part of the Authority's Policy Framework and as such is subject to the Budget and Policy Framework Procedure Rules. The Local Plan must also be prepared in accordance with The Town and Country Planning (Local Planning) (England) Regulations 2012.

1.5 Information:

1.5.1 Background

1.5.2 Cabinet and full Council previously approved the Draft Local Plan in October 2015. At this time full Council agreed publication of the Local Plan Pre-submission Draft for consultation and authorised its submission to the Secretary of State. Consultation on the Pre-submission Draft took place in November and December 2015. With a number of Minor (also known as Additional) Modifications identified following consultation the Local Plan was submitted to the Secretary of State in June 2016.

1.5.3 Following appointment of a Planning Inspector in June 2016, examination hearings were held in November and December 2016. A further consultation was held on proposed Main Modifications between January and March 2017, which were considered by the Planning Inspector in preparation of his final Report and recommendations to the Authority.

1.5.4 The Report of the Planning Inspector concludes that, with recommended Main Modifications, the North Tyneside Local Plan is sound and capable of adoption. The Planning Inspector concluded that consultation in preparation of the Local Plan was effective and the policies and proposals of the Local Plan are in accordance with the National Planning Policy Framework.

1.5.5 The Local Plan Pre-submission Draft including recommended Main Modifications is to be adopted as the North Tyneside Local Plan. This draft of the Local Plan was presented to Cabinet on 12 July 2017.

1.5.6 At this meeting Cabinet considered the Local Plan that Council is now asked to adopt. This incorporates the Local Plan Pre-submission Draft 2015 and the recommended Main Modifications of the independent Planning Inspector and further minor modifications. The minutes and recommendation of Cabinet at that meeting are available at Appendix 1 of this Report.

1.5.7 The North Tyneside Local Plan will provide a full replacement to the current Unitary Development Plan (UDP) adopted in 2002. The UDP is out of date and there is a pressing 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.

- 1.5.8 The Local Plan 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. The Local Plan sets out a range of policies which, in the order they appear in the Local Plan, include:
- Climate change mitigation and adaptation;
 - The protection of the Green Belt within North Tyneside;
 - Improving health and wellbeing, including specific policy for the assessment of health impacts of hot food takeaways;
 - Creation of about 700 new jobs per year, supported by identification of strategic employment locations along the River Tyne North Bank, the A19 corridor, Weetslade (Indigo Park), Balliol East and West, Gosforth Business Park and Whitley Road;
 - Identification of Wallsend, North Shields and the Coastal area as a focus for new retail, leisure, office and tourist development;
 - Delivery of an average of 790 dwellings per year to meet housing needs identified in accordance with national planning policy and guidance;
 - The identification of sufficient land to meet the Borough's housing needs, including the strategic housing allocations of Murton Gap and Killingworth Moor and developable brownfield land across the Borough;
 - A target of 25% of new homes built to be affordable homes;
 - The introduction of minimum space and accessibility standards for new housing;
 - Protecting and enhancing built and natural assets such as open spaces, designated ecological sites, listed buildings and conservation areas;
 - A coherent and positive strategy to manage and resolve issues of flood risk and surface water drainage issues;
 - Supporting the level of growth required with the necessary infrastructure such as roads, public transport, pedestrian and cycle routes, health, education, open space, community and cultural facilities; and
 - Specific strategies for the regeneration and development of North Shields, the Coast and Wallsend and also the North West Communities.

Preparation of the North Tyneside Local Plan

- 1.5.9 Preparation of the Local Plan as a new development plan for North Tyneside has been ongoing since 2013 with publication of the Local Plan Consultation Draft in November of 2013. This was followed by a further Consultation Draft in February 2015.
- 1.5.10 Cabinet, on 12 October 2015, considered the recommendations of Overview and Scrutiny Committee and agreed to refer the North Tyneside Local Plan Pre-submission Draft to the Council for approval for formal public consultation and submission of the Local Plan to the Secretary of State.
- 1.5.11 The full Council approved the Local Plan Pre-submission Draft on 20 October 2015 for public consultation and authorised 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 make Minor Modifications to the Pre-submission draft and submit it and the Minor Modifications to the Secretary of State for examination by an independent Inspector.
- 1.5.12 The North Tyneside Local Plan Pre-submission Draft was subsequently published in November 2015 for a six week consultation. Responses received at that time were considered by the Local Plan Steering Group and a range of Minor Modifications were agreed under the authorisation provided by the full Council. The North Tyneside Local Plan Pre-submission Draft and Minor Modifications were submitted to the Secretary of State on 30 June 2016.

Examination of the North Tyneside Local Plan

- 1.5.13 Following submission to the Secretary of State an independent Planning Inspector was appointed to consider the soundness of the Plan in relation to its legal compliance, its conformity with National Planning Policy Framework and whether its policies and proposals were suitably justified and effective in relation to the evidence available.
- 1.5.14 To consider the submitted Local Plan the independent Planning Inspector held an Examination in Public. The examination hearings were held between 8 November 2016 and 7 December 2016. Following the conclusion of the Examination in Public a number of Main Modifications were identified to ensure the Inspector could find the Local Plan sound. Main Modifications can be required for a number of reasons, including:
- To respond to new or emerging evidence, changes to national legislation and policy;
 - To update key data on matters like housing and employment delivery to reflect the latest information, and
 - To correct typographical errors, or errors with images and maps.
- 1.5.15 A schedule of proposed Main Modifications to the Local Plan was published for consultation between 23 January 2017 and 8 March 2017.
- 1.5.16 Responses received to consultation on Main Modifications were submitted to the Inspector on 27 March 2017 to enable the Inspector to complete his Report on the Examination of the North Tyneside Local Plan.

The Inspector's Report and recommended Main Modifications to the Local Plan

- 1.5.17 The Inspector's Report (Appendix 2) and recommended Main Modifications to the Local Plan (Appendix 3) was published on the 15 May 2017 in accordance with Section 20(8) of the Planning and Compulsory Purchase Act and Regulation 25 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 1.5.18 The Inspector's Report recognises that the Local Plan seeks to secure sustainable development through a combination of growth, investment and regeneration to meet the identified development needs of the Borough whilst simultaneously protecting Green Belt and significant areas of identified green infrastructure.
- 1.5.19 The Inspector confirms that the Authority has complied with its Duty to Co-operate with neighbouring authorities in preparing the Plan. Additionally he concludes that the preparation of the Plan meets the legal requirements having been:
- Prepared in accordance with the Authority's Local Development Scheme and Statement of Community Involvement; and
 - An adequate Sustainability Appraisal and a Habitat Regulations Assessment have been carried out on the policies and proposals of the Plan.
- 1.5.20 The recommended Main Modifications include and can be summarised as:
- Revised housing requirement based on the full objective assessment of need reflecting the latest 2014 based projections (as published in February and July 2016);
 - Revised housing trajectory to provide a stepped delivery profile that would significantly boost housing supply whilst ensuring a realistic five year housing land supply position on adoption;
 - Additional clarification in policy as to what actions would be triggered in the event that a deliverable five year supply cannot be demonstrated;

- Modifications to various policies to provide for necessary clarity or flexibility to ensure they would be justified and effective; and
- Modifications to various policies to ensure consistency with national policy, including recent Written Ministerial Statements and the Government's Planning Practice Guidance.

1.5.21 The Inspector's Report concludes that with the recommended Main Modifications set out in the Appendix to the Report the North Tyneside Local Plan satisfies the requirements of Section 20(5) of the 2004 Planning and Compulsory Purchase Act and meets the requirements for soundness in the National Planning Policy Framework.

Minor (also known as Additional) Modifications to the Local Plan

1.5.22 In addition to the schedule of Main Modifications recommended by the Planning Inspector, further Minor Modifications have also been made to the Pre-submission draft. Minor Modifications were agreed, prior to submission of the Local Plan to the Secretary of State in June 2016, in accordance with the authorisation provided by full Council to the Head of Environment, Leisure and Housing to make such changes.

Adoption of the Local Plan

1.5.23 If the full Council agrees to adopt the Local Plan and the North Tyneside Local Plan Policies Map, it would replace in full the Unitary Development Plan 2002. The Local Plan would provide a strategy, detailed policies and specific sites for delivering objectively assessed development needs over the plan period to 2032. As such the North Tyneside Local Plan would provide a comprehensive planning framework without the need for additional Development Plan Documents and will take immediate effect.

1.5.24 However, further supporting Supplementary Development Plan documents and preparation of a Community Infrastructure Levy will provide supporting guidance to the consideration of policy and in meeting the priorities of the Authority. The preparation of these additional documents is programmed in the Authority's Local Development Scheme, which was last updated by Cabinet in October 2016.

Next Steps

1.5.25 Subject to adoption of the Local Plan the Authority will progress with ensuring the effective implementation and delivery of policies within the Local Plan. Specifically, from 20 July 2017:

- Determination of Planning Applications will be informed by consideration of the adopted Local Plan 2017, replacing in full the Unitary Development Plan 2002.
- Masterplans for the Strategic Allocations of Murton Gap and Killingworth Moor, which will form the basis against which planning applications are to be considered, will be considered by Cabinet later in 2017. The Masterplans will ensure the positive benefits that can be achieved from the development of each strategic site for the Borough and surrounding community are achieved, and that delivery of homes at each site can be progressed quickly alongside appropriate provision of new infrastructure. Masterplan preparation will include engagement with ward members and local communities.
- Monitoring of all policies and proposals will be undertaken in accordance with the Local Plan Implementation and Monitoring Framework.
- An Authority Monitoring Report will be reported to Cabinet annually to advise on progress against each Local Plan policy, identify any issues in delivery and instigate appropriate action where required to ensure continued delivery of the aims and objectives of the Local Plan.
- Preparation of a Community Infrastructure Levy and review of the Planning Obligations Supplementary Planning Document (SPD) will be progressed in 2017

to ensure appropriate mechanisms are in place to fund the infrastructure required to support development. During 2017 work will also progress to update the Design Quality SPD and Local Register of Parks and Buildings SPD to ensure conformity with the new Local Plan.

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

Decline to approve the recommendations in paragraph 1.2 of this report.

Option 3

Decline to approve the recommendations in paragraph 1.2 of this Report and request the Head of Environment, Housing and Leisure in consultation with the Cabinet Member for Housing and Transport and the Head of Law and Governance to review the proposed adopted version of the Local Plan.

Option 1 is the recommended option.

1.7 Reasons for recommended option:

Option 1 is recommended for the following reasons:

- It will enable the Local Plan to be adopted and provide the Authority with an up to date Local Plan that has been considered as sound, with recommended Main Modifications, by an independent Planning Inspector appointed by the Secretary of State. All Main Modifications are necessary for the Plan to be considered sound and therefore capable of adoption.
- The Local Plan is based on relevant and up to date evidence and addresses the strategic priorities for planning in North Tyneside in accordance with the National Planning Policy Framework (NPPF) and national planning guidance;
- The level of growth proposed is considered to be realistic and best matches the Authority's growth aspirations and meets the requirements of NPPF in delivering the Borough's Objectively Assessed Needs for Housing;
- Establishing an agreed plan for adequate housing delivery to meet identified needs provides the Authority with greater control over which sites are released for development;
- Failure to proceed with the adoption version Local Plan could lead to significant delay in the introduction of the Local Plan for North Tyneside. Delay in introduction of the Local Plan would severely impact the Authority's ability to effectively manage future speculative planning applications. This would make it harder to protect the sites that the Authority values and make adequate delivery of appropriate infrastructure including for transport, education, health, open space and affordable homes harder. Any significant delay would require revised evidence of housing needs that is likely to result in a need for further consultation and examination.
- Government has also indicated that, where Authorities fail to prepare and agree a Local Plan in a timely manner they will intervene.

1.8 Appendices:

- Appendix 1: Minutes of Cabinet 12 June 2017 regarding item 7(h) Adoption of the North Tyneside Local Plan
- Appendix 2: Inspector's Report on the Examination of the North Tyneside Local Plan
- Appendix 3: Appendix to the Inspector's Report containing the Main Modifications
- Appendix 4: Schedule of Minor Modifications
- Appendix 5: The North Tyneside Local Plan 2017 adoption version
- Appendix 6: The North Tyneside Local Plan Policies Map adoption version
- Appendix 7: Sustainability Appraisal Adoption Statement
- Appendix 8: North Tyneside Local Plan Adoption Statement
- Appendix 9: Policies Map Modifications Schedule
- Appendix 10: North Tyneside Local Plan; Your Guide, July 2017

A copy of the report and all appendices will be available for inspection in each of the party group rooms.

1.9 Contact officers:

Jackie Palmer, Planning Manager (0191 643 6336)
Martin Craddock, Principal 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 office 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. [The Environmental Assessment of Plans and Programmes Regulations 2004](#)
6. [National Planning Policy Framework 2012.](#)
7. [National Planning Guidance \(2014\)](#)
8. [Our North Tyneside Plan 2014-18](#)
9. [Local Plan Consultation Draft, November 2013](#)
10. [Local Plan Consultation Draft, November 2015](#)
11. [Cabinet Report October 12 2015: Local Plan Pre-Submission Draft \(Main Report\)](#)
12. [Cabinet Report October 12 2015: Supplementary Report](#)
13. [Council Report October 20 2015: North Tyneside Local Plan Pre-Submission Draft 2015 \(Main Report\) including Appendix 3 & 4](#)
14. [Council Report October 20 2015: Supplementary Report](#)
15. [Urgent Decision January 23rd 2017 North Tyneside Local Plan Main Modifications 2017](#)
16. [Local Plan Proposed Main Modifications Response Schedule](#)
17. [Local Plan Examination News Webpage](#)
18. [Local Plan Core Document and Evidence Base Library](#)
19. [North Tyneside Statement of Community Involvement 2013](#)
20. [Equality Impact Assessment 2016 – North Tyneside Local Plan Pre-submission Draft](#)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

This report represents the final stage in adoption of the Local Plan. The staff, printing, and other costs to produce the Local Plan have been met from within existing Authority revenue budgets and the inspection was funded from reserves provided for that purpose. No further funding is required to enable adoption of the Local Plan unless full Council seeks further review of proposed policies, which might result in a requirement for additional consultation and examination.

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. Any costs that might rise as a result of the implementation of the Local Plan will be considered through the financial planning process at the appropriate time.

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 has included consultation and consideration of the proposals at various stages by Cabinet, the Overview, Scrutiny and Policy Development Committee and by full Council prior to submission to the Secretary of State and consideration by an independent Planning Inspector appointed by the Secretary of State. It now requires approval and formal adoption by a Council Meeting.

The saved UDP policies (2002) remain the Borough's adopted development plan until replaced on the date of the Council Meeting that agrees to adopt the North Tyneside Local Plan.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

In preparing the North Tyneside Local Plan, consultation with relevant Officers was undertaken. This included 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 has met regularly through 2015, 2016 and 2017. 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, considering Minor and Main Modifications to the Local Plan and ensuring the delivery of the Local Plan remains on track in accordance with the adopted Local Development Scheme.

2.3.2 External Consultation/Engagement

The Planning Inspector's Report concludes specifically that the Authority has taken a thorough but proportionate approach to engagement on the Local Plan, which has ensured residents and stakeholder with an interest in the Plan have been able to respond to the consultations.

The North Tyneside Local Plan has evolved through three formal and extensive engagement periods with local communities and key stakeholders, an Examination in Public attended by a range of participants from the local community, development industry and agencies, and further formal consultation on Main Modifications. The first formal consultation 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).

As part of the Consultation Draft 2013 the planning team attended and presented information about the Local Plan at formal Community Conversation events in each of the 20 wards in North Tyneside – in addition to public drop-ins at town centres and local libraries.

For the two consultations undertaken in 2015, in February and then in November, members of the Council's senior leadership team, including the Chief Executive, Deputy Chief Executive and Heads of Service attended drop in events to be available to listen and discuss the proposals first hand with residents.

Overall some 279,000 full colour summary information leaflets and maps have been distributed to households since the Plan was consulted upon in November 2013 whilst use of the Authority's social media networks such as Twitter and Facebook which have over 5,500 followers. In total over 10,000 comments were made by nearly 2,000 respondents to the Local Plan throughout its preparation in addition to hundreds of residents attending public events.

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 co operate 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 direct implications arising from this report. The policies and proposals of the Local Plan have been subject to Equality Impact Assessment.

2.6 Risk management

The risks associated with Local Plan preparation and engagement have 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, culminating in adoption of the Local Plan:

- 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.

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 of the Local Plan have been the subject of formal Sustainability Appraisal and Appropriate Assessment with a Sustainability Appraisal Adoption Statement, in accordance with The Environmental Assessment of Plans and Programmes Regulations 2004.

PART 3 - SIGN OFF

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