

Meeting: Overview, Scrutiny and Policy Development
Date: 5 October 2015
Title: North Tyneside Local Plan – Pre-Submission Draft

Author: Neil Cole, Planning Policy Manager Tel: 0191 643 6326
Service: Planning Services
Wards affected: All

1. Purpose of Report:

This report provides Overview, Scrutiny and Policy Development Committee with an update on the preparation of the North Tyneside Local Plan. It provides a summary of the responses received to the Local Plan Consultation Draft (published in February 2015) and of the various activities undertaken during the course of 2015 to deliver the next formal version of the Plan, the Pre-Submission Draft.

In advance of its formal consideration by Cabinet and Full Council (on 12 and 20 October 2015 respectively), This report seeks the views of this Committee on the draft proposals contained within the Pre-Submission Draft and the proposed engagement activities to be undertaken during the 6 week consultation of the Pre-Submission Draft scheduled for October 2015.

2. Recommendation(s):

It is recommended that Overview, Scrutiny and Policy Development Committee:

- a) Note the consultation undertaken in the preparation of the Local Plan and the Authority's response to the comments that have been made;
- b) Refer additional recommendations if required on the consultation proposals to Cabinet for consideration in preparing final proposals for the North Tyneside Local Plan Pre-Submission Draft;
- c) Refer additional recommendations on the policies and proposals if required to Cabinet for consideration; and
- d) Agree the draft North Tyneside Local Plan Pre-Submission Draft (with recommendations if appropriate).

3. Details:

3.1 Background to the Local Plan

- 3.2 The current Unitary Development Plan (adopted 2002) is becoming increasingly out of date.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;
 - A robust framework through which the objectives of the Council Plan can be delivered.

3.3 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”.

4. The Local Plan Consultation Draft 2015 - Update

4.1 To assist in the preparation of the Local Plan Consultation Draft 2015, the Overview, Scrutiny and Policy Development Committee will recall that it considered two reports in December 2014 and February 2015 to consider:

- 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.

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

4.3 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.

4.4 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 advice on issues as they emerge and oversee the future delivery of the Local Plan.

5. Background to the Preparation of The Local Plan Pre-Submission Draft 2015

5.1 Moving on from the Consultation Draft, the next stage requires the Authority to formally 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 a 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.

- 5.2 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 attached at Appendix 1.
- 5.3 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. A draft of this Plan is attached at Appendix 2. The policies and proposals contained within this Pre-Submission Draft have been the subject of draft Sustainability Appraisal and draft Appropriate Assessment as detailed at Appendix 3 to this Report.
- 5.4 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.

6. The Local Plan Pre-Submission Draft – Summary of Proposals

- 6.1 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 great place where people can live and have active healthy and quality lives.
- 6.2 The Local Plan includes policies relating to:
- Climate change mitigation and adaption;
 - 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.

7. Determining the Levels of Growth for Housing

- 7.1 Determining the required levels of growth (otherwise known as the 'objectively assessed need') has come under particular 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).
- 7.2 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.

8. Strategic Development Sites at Murton Gap and Killingworth Moor

- 8.1 In order to support meeting the level of growth, this Local Plan requires the proposals to allocate the two strategic development sites at Murton Gap and Killingworth Moor.
- 8.2 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 and the evidential work that had been completed or was programmed. These key pieces of work are now largely complete and have been used to inform the production of indicative concept plans for both sites. Together with revised policy wording, these concept plans are shown at Policy S7.4 of the Pre-Submission Draft.
- 8.3 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; and
- The potential phasing for when development may take place on different parts of the sites.

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

9. Local Green Space Designations

9.1 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.

9.2 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 and are shown at Appendix 4 and are :

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

9.3 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.

9.4 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.

10. Proposals for consultation on the Local Plan Pre-Submission Draft

- 10.1 In accordance with the revised Local Development Scheme (July 2015), the Local Plan Pre-Submission Draft will be made available for public consultation for a period of 6 weeks. It is expected this consultation will commence in early November and conclude in December 2015.
- 10.2 Through this consultation, the Authority will maintain its commitment to engage as widely as possible with residents, businesses and all those who may be affected by, or have an interest in the Local Plan. Public consultation will conform to the legal requirements set out in planning legislation and the Council's Statement of Community Involvement (adopted 2013) and will include:
- **Press releases** - setting out the purpose of the consultation, details of events and how to find out more;
 - **A direct mail leaflet to all homes in the borough** - as with previous consultations, a summary leaflet will be sent to households in North Tyneside
 - **Direct notification to registered consultees** – the Local Plan consultee database contains over 2,000 individuals and organisations who have either previously responded or requested to be informed of the Plan's progression;
 - **Public engagement events**;
 - **The Council website and Social Media** – containing all documentation which allows people to view and directly respond to the the policies and proposals;
 - **Hard copies available to view at local libraries and the Authority's 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 Authority Office. An on-line version of the response form will also available to complete via the Authority's dedicated Local Plan webpage.

11. Next Steps

- 11.1 The North Tyneside Local Plan Pre-Submission draft will be formally considered by Cabinet on 12 October 2015 along with the views of this Committee. Prior to its planned publication in November 2015, the Pre-Submission Draft will be formally presented to a special meeting of Full Council on 20 October 2015 for consideration.
- 11.2 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 5.
- 11.3 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.

- 11.4 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.
- 11.5 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.
- 11.6 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.
- 11.6 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.

12. Appendices

- Appendix 1 – Schedule of Representations Received to the Local Plan Consultation Draft Policies (2015) and Officer Responses
- Appendix 2 – Draft North Tyneside Local Plan Pre-Submission Draft and Policies Map
- Appendix 3 - Draft Sustainability Appraisal and Draft Appropriate Assessment
- Appendix 4 – The Four Sites Assessed as Local Green Space Designations
- Appendix 5 – What does Legal Compliance and Soundness Mean?

13. Background Papers

The following documents have been used in the compilation of this report and may be inspected at the offices 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 [North Tyneside Statement of Community Involvement 2013](#)
- 9 [Local Plan Consultation Draft, November 2013](#)
- 10 [Overview, Scrutiny and Policy Development Committee Report: North Tyneside Local Plan – Further Consultation Draft \(1 December 2014\)](#)
- 11 [Cabinet Report : North Tyneside Local Plan Consultation Draft 2015 \(January 2015\)](#)
- 12 [Overview, Scrutiny and Policy Development Report : North Tyneside Local Plan – Further Consultation Draft \(2 February 2015\)](#)
- 13 [Local Plan Consultation Draft, February 2015](#)
- 14 [Written Statement of Minister of State for Housing and Planning “Local Plans” \(21st July 2015\)](#)
- 15 [Cabinet Report : North Tyneside Local Plan Update \(July 2015\)](#)
- 16 [North Tyneside Local Plan Evidence Base Schedule](#)

Appendix 4 – The 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 5 - 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.