



The Planning Inspectorate

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# **Report to North Tyneside Council**

**by David Spencer BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Date 09 May 2017**

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

## **Report on the Examination of the North Tyneside Local Plan**

The Plan was submitted for examination on 30 June 2016

The examination hearings were held between 8 November 2016 and 7 December 2016

File Ref: PINS/W4515/429/7

## Abbreviations used in this report

ATLAS	Homes and Communities Agency's Advisory Team for Large Applications
CIL	Community Infrastructure Levy
CS	Core Strategy <sup>1</sup>
DCLG	Department for Communities and Local Government
DtC	Duty to Co-operate
Dpa	Dwellings per annum
ECML	East Coast Main Line
ELR	Employment Land Review
EZ	Enterprise Zone
GTAA	Gypsy and Traveller Accommodation Assessment
HMA	Housing Market Area
HRA	Habitats Regulations Assessment
IMF	Implementation and Monitoring Framework
JCS	Joint Core Strategy <sup>2</sup>
KCA	Killingworth Conservation Area
LDS	Local Development Scheme
LEP	Local Enterprise Partnership
LP	Local Plan
MM	Main Modification
MoAG	Monkseaton Action Group
MuAG	Murton Action Group
NDSS	Nationally Described Space Standard
NECA	North East Combined Authority
NeCC	Newcastle City Council
NPPF	National Planning Policy Framework
NoCC	Northumberland County Council
NTLP	North Tyneside Local Plan
OAN	Objectively assessed need
ONS	Office for National Statistics
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
PSA	Primary Shopping Area
RSS	Regional Spatial Strategy
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SANGS	Suitable Alternative Natural Green Spaces
SCI	Statement of Community Involvement
SEA	Strategic Environmental Assessment
SEP	Strategic Economic Plan
SFRA	Strategic Flood Risk Assessment
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SPA	Special Protection Area

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<sup>1</sup> Proposed Core Strategy for North Tyneside consulted on between 2008 & 2011

<sup>2</sup> Core Strategy and Urban Core Plan for Gateshead and Newcastle 2010-2030

UDP  
UCG  
WMS

North Tyneside Unitary Development Plan (2002)  
Underground Coal Gasification  
Written Ministerial Statement

### **Non-Technical Summary**

This report concludes that the North Tyneside Local Plan provides an appropriate basis for the planning of the Borough provided that a number of main modifications [MMs] are made to it. North Tyneside Council has specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

The majority of the MMs were presented on submission of the Plan for examination and an additional number were discussed at the examination hearings. Following the hearings, the Council prepared schedules of the proposed modifications and, where necessary, carried out sustainability appraisal of them. The MMs were subject to public consultation over a six-week period. In some cases I have amended their detailed wording where necessary. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Revised housing requirement based on the full objective assessment of need comprising the latest 2014 based projections with upwards adjustments for migration and market signals/affordability;
- 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;
- Amendments to enable clarity on future calculations of housing land supply including a residual approach to shortfall and allowances for persistent under-delivery and non-implementation;
- 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.

## Introduction

1. This report contains my assessment of the North Tyneside Local Plan (NTLP) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes it clear that in order to be sound a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The NTLP submitted in June 2016 is the basis for my examination. It is the same document as was published for consultation in November 2015. In the intervening period, the Council has augmented the evidence base of the plan in respect of appropriate assessment<sup>3</sup>, strategic site delivery and plan viability but this has not fundamentally changed the content of the Plan.
3. The NTLP is a full Local Plan in that it provides a strategy, detailed policies and specific sites for delivering objectively assessed development needs over the plan period to 2032. The Plan considers these needs against the environmental capacity of the Borough including Green Belt and international and national designated sites for biodiversity. The Plan seeks to provide a comprehensive planning framework without the need for any additional Development Plan Documents although the LDS identifies that further supporting guidance and a CIL are programmed. It is on this basis that the document has been examined.

## Main Modifications

4. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1, MM2, MM3** etc, and are set out in full in the Appendix.
5. The main modifications are taken from an earlier composite schedule of "further modifications"<sup>4</sup> prepared by the Council on submission of the Plan. This total list of 447 proposed changes were subsequently disaggregated into main modifications (MM) and additional modifications (AM) for the hearing sessions. Accordingly, and for consistency, the numbering of MMs reflects the originally submitted schedule and so the numbers do not run sequentially.
6. Following the examination hearings, the Council prepared a refined schedule of proposed MMs and carried out sustainability appraisal of them. The MM schedule was subject to public consultation for six weeks. I have taken

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<sup>3</sup> In accordance with the Habitats Regulations

<sup>4</sup> Examination Document reference EX/NTC/2

account of the consultation responses in coming to my conclusions in this report and I have made some amendments to the detailed wording of the main modifications. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. Where necessary I have highlighted these amendments in the report.

## **Policies Map**

7. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as North Tyneside Local Plan Pre-Submission Consultation Draft Policies Map as set out in core document NT01/2.
8. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are effective.
9. These further changes to the policies map were published for consultation alongside the MMs in the 'Policies Map Modifications Schedule' (January 2017). When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in this Schedule and the further changes published alongside the MMs.

## **Consultation**

10. The Statement of Community Involvement<sup>5</sup> was adopted by the Council in 2013. The preparation of the NTLP has followed the consultation principles established in the SCI. In addition, the submitted Statement of Consultation<sup>6</sup> brings together and summarises the consultation process undertaken by the Council, including from the intervening work on the then emerging CS and associated AAPs between 2006 and 2011 through to the publication of the final draft of the Plan in November 2015.
11. Concern has been expressed about the adequacy of the consultation methods used by the Council. It is clear to me that the Council has adhered to the requirements as set out in the Regulations<sup>7</sup> and the additional consultation prescribed in the SCI including formal events, summary material and the Council's free magazine to every home as well as on-line and social media.

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<sup>5</sup> Core Document NT02/5/1

<sup>6</sup> Core Document NT03/3

<sup>7</sup> The Town and Country Planning (Local Planning) (England) Regulations 2012

Accordingly, the Council has taken a thorough but proportionate approach to consultation on this important document.

12. A specific issue is whether consultation leaflets, containing summary material, were actually delivered to every household as paid for by the Council. I have very little documented evidence that there has been any significant failure of this one consultation technique. The scale of response to the various consultations confirms that methods alongside leafleting have ensured that residents and organisations with a stake in the plan have been able to respond to the consultations.
13. Other representors expressed concern about the timing and adequacy of public meetings. The Council has held a notable number of public events at the consultation draft (2013) and pre-submission (2015) stages in accordance with the SCI including at locations relative to the Plan's main proposals. The late timing of the 2015 public meeting for Murton was far from ideal but again I have little persuasive evidence that it has undermined the effectiveness of the consultation or precluded those who wished to express their opposition from doing so during the requisite 6 week consultation period. Overall, I am satisfied that those who considered the plan to be unsound had the necessary opportunity to make their submissions.

## **Assessment of Duty to Co-operate**

14. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council has complied with any duty imposed on it by section 33A in relation to the Plan's preparation.
15. The Council has prepared a comprehensive 'Duty to Cooperate Statement'<sup>8</sup> which sets out the on-going dialogue regarding joint working and cross boundary co-operation during the preparation of the Plan. This has included engagement with all seven Councils forming part of the wider North East Local Enterprise Partnership under the auspices of the North East Combined Authority (NECA). On this wider footing there is alignment on economic growth strategies (including designated EZs) as well as a memorandum of understanding (June 2014) between the seven Councils, including a commitment to work together on strategic planning matters. Dialogue has also been maintained with the additional bodies as prescribed in Regulation 4 of the 2012 Regulations.
16. In addition, there are particular synergies between the three authorities 'north of the Tyne' in respect of the environment, housing, employment and infrastructure. On-going dialogue with both Newcastle City Council and Northumberland County Council is evidenced, including through regular meetings of the North of Tyne Working Group (held under the umbrella of the wider collaborative NECA working arrangements for strategic planning in the North East). Additionally, specific workshops have been held, principally on a North of Tyne basis, with Councils and relevant organisations to consider growth options for the Borough. Consequently, a genuinely co-ordinated approach is being pursued to secure sustainable spatial outcomes across a

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<sup>8</sup> Core Documents NT03/4/1 & NT03/4/2

wider area. Compliance with the Duty to Co-operate across the North of Tyne was recently confirmed through the recent examination of the Gateshead & Newcastle Joint Core Strategy. There is no persuasive evidence to conclude differently in respect of the NTLP.

17. The National Planning Policy Framework at paragraphs 178-181 sets out those strategic priorities which have a local cross-boundary dimension. From the submitted evidence it is clear that the Council has cooperatively considered these factors through on-going engagement with relevant bodies and local authorities, including various evidence base studies. Consequently, there is negligible comment on submission of the Plan that substantive cross-boundary issues remain unresolved or in conflict. A small number of strategic highway network and transport accessibility issues these have now been satisfactorily resolved, as evidenced in the Joint Position Statements with Highways England and Nexus.
18. The application of the latest 2014-based household projections generates particular DtC issues. With this in mind a Joint Position Statement<sup>9</sup> with NeCC and NoCC was submitted during the examination which provides confidence that the Council has not considered changes to the full OAN in isolation.
19. Taking all of this into consideration I am satisfied that that the legal duty to cooperate in the Act has been complied with.

## **Assessment of Soundness**

### **Background**

20. The North Tyneside Local Plan represents the culmination of nine years of plan-making to replace the 2002 UDP. Whilst the plan is largely underpinned by up-to-date evidence and consultation amassed since the publication of the NPPF in 2012 it nonetheless draws from various longstanding principles and policy directions considered as part interim Core Strategy and Area Action Plan work. It is generally the more recent Plan content reflecting higher growth levels and in particular the two strategic greenfield sites at Killingworth and Murton which have generated the vast majority of comment on the Plan.
21. Central to informing a sustainable approach to planned growth has been Sustainability Appraisal (SA) with the final version on submission extending to more than 2,500 pages. The Council's evidence base demonstrates that different options and alternatives have been addressed at the relevant stages. Emerging policy options were assessed against the SA objectives and thought was given as to how the policies would further the objectives. The SA was subject to consultation in the same way as the NTLP and has involved specific engagement with the Strategic Environmental Assessment bodies as required. There is nothing to suggest the SA was undertaken other than in accordance with the Regulations. Taking all of the above into consideration, the NTLP has been subject to an adequate sustainability appraisal, incorporating the requirements of SEA.

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<sup>9</sup> Examination Document EX/NTC/36

22. The presence of internationally designated sites of biodiversity importance within and adjoining the plan area has necessitated a precautionary approach to ensure that the growth proposals of the Plan would not result in an adverse effect on the integrity of these sites. An Appropriate Assessment of the Plan<sup>10</sup> was updated prior to submission, in consultation with Natural England. Taking into account the advice from relevant environmental bodies I consider that the plan has been subject to an adequate HRA process.

### **Main Issues**

23. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings I have identified 11 main issues upon which the soundness of the Plan depends. Under these headings my report deals with the main matters of soundness rather than responding to every point raised by representors.

### **Issue 1 – Whether the overall vision, objectives and spatial strategy are soundly based?**

#### *Spatial Vision*

24. The spatial vision is for the period to 2032 during which sustainable development in North Tyneside will comprise economic and housing growth and infrastructure investment that enhances the prosperity and vibrancy of the Borough in terms of the quality of life for residents. The vision omits reference for the need to be resilient to climate change, which is a key strand to achieving sustainable development. **MM30** would ensure that those objectives of the Plan relating to climate change are embedded as an integral part of the overarching Vision. It is therefore necessary to ensure the Plan would be effective.

#### *Objectives*

25. The vision is underpinned by twelve objectives which are generally sound and collectively provide a strong starting point for a sustainable spatial strategy for the Borough. An element of refinement is needed to the objectives to ensure they would be justified and effective. With this in mind, **MM34** is necessary to avoid conflation between the full OAN and the subsequent housing requirement, consistent with national policy.
26. Additionally, objectives 6 and 7 contain a degree of overlap and could be reasonably amalgamated into a single objective recognising that regeneration is a Borough-wide priority. In terms of the modified Objective 6 and newly numbered Objective 11 it would be justified to introduce references to safeguarding the Borough's historic environment. Consequently, **MM36**, **MM37** and **MM42** are necessary to ensure the objectives of the Plan are sound.

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<sup>10</sup> NTLP HRA – Appropriate Assessment 19 January 2016

### *Spatial Strategy*

27. The spatial strategy of the Plan seeks to secure sustainable development through a combination of growth, investment and regeneration to meet the identified development needs whilst simultaneously protecting Green Belt and significant areas of identified green infrastructure. Given the character and relatively small size of the Borough, balancing these factors is not without challenges but it also means that there are few, if any, reasonable alternative spatial strategies.
28. The majority of the Borough through a central belt extending from the east of Newcastle to the Coast and along the River Tyne is what the plan describes as the "main urban area". This area comprises the principal communities of Killingworth, Longbenton, Wallsend, Whitley Bay and North Shields which over time have effectively merged into one conurbation. It is into this area that strategy directs the vast majority of the growth, investment and regeneration. This appropriately reflects that it contains three of the four area specific strategies identified in the Plan and a notable number of opportunities to maximise the use of previously-developed and under-utilised land. The submitted spatial strategy also aligns with the economic potential associated with the A19 economic corridor and River Tyne North Bank Enterprise Zone. This main urban area also includes two sizeable areas of greenfield land (previously safeguarded in the UDP) which the spatial strategy identifies as strategic development sites at Killingworth Moor and Murton.
29. Aligning the majority of growth to the existing main urban area would secure the Plan's vision and objectives in terms of delivering the necessary growth and investment. It also would secure significant benefits in terms of the potential to reduce the need to travel, protecting Green Belt and maintaining significant areas of green infrastructure.
30. There are essentially two alternative spatial strategies presented in the various representations. The first would be to boost housing delivery on previously-developed (brownfield) sites, particularly along the Tyne corridor and at West Chirton. The Council has undertaken a thorough SHLAA exercise which has considered a vast array of brownfield sites including those suggested in representations. Where suitable and achievable for housing they are already accounted for in the Plan. There is no compelling evidence that a significant brownfield site has been overlooked. The finite capacity of brownfield sites in North Tyneside would not meet all housing, employment and service needs over the period to 2032. Consequently, this would not be a reasonable alternative spatial strategy. Greenfield land is therefore required.
31. The second alternative strategy would involve alternative land release made from Green Belt to either stimulate early housing delivery or in-lieu of the strategic sites. The submitted Plan maintains Green Belt from the 2002 UDP on the basis of a recent Green Belt Review. The two strategic sites were identified as safeguarded land as part of the 2002 UDP, signalling their future potential for, not indefinite protection from, development. The scale of growth identified through this plan justifies consideration of these sites, given their relationship to the main urban area, as part of a sustainable spatial strategy.
32. I am not persuaded that any alternative sizeable Green Belt options are available that would not harmfully result in unrestricted urban sprawl,

coalescence of settlements or encroachment into countryside. Accordingly, there is not a reasonable alternative spatial strategy that would involve Green Belt land releases.

33. Allied to the second alternative strategy are those representations seeking a greater proportion of the Plan's growth in the North West villages. These former mining communities are appropriately identified in the spatial strategy for area specific strategies however they are surrounded and separated by existing Green Belt. There is little persuasive evidence that these two designations are spatially incompatible or that additional Green Belt land releases in this part of the Borough would provide for a more sustainable distribution of growth. The Plan positively identifies moderate areas of non-Green Belt land within the settlements for both housing and employment development. Accordingly, the North West villages will not stagnate and a proportionate level of growth would occur whilst maintaining Green Belt. Accordingly, no amendment to the spatial strategy is necessary.
34. The allocated Murton site is proximate to the Durham Coast SAC and Northumbria Coast SPA (and Ramsar) and has been 'screened in' through the HRA process as having a likely significant effect on qualifying features of these habitats from recreational pressure<sup>11</sup>. The HRA process has considered mitigation but I am mindful that this is the option after initial avoidance. In terms of alternatives to avoid these habitats much of the Green Belt land to the north would also be similarly proximate to the SPA. Other options on Green Belt land further inland may reduce the effect on the SPA but not without their own significant environmental harm including the loss of open Green Belt land. Accordingly, the proximity of Murton to the SAC and SPA does not render the submitted spatial strategy unsound and mitigation is addressed later in this report.
35. Overall, the submitted spatial strategy and its identified strategic policy areas provide a sound basis for sustainable development including the two proposed strategic sites and specific strategies for appropriate priority investment areas. In terms of the strategic policy areas of the Plan, paragraph 4.5 needs to be amended to more accurately describe priority investment areas as "Area Specific Strategies" and to provide clearer reference to the significance of the A19 Economic Corridor and the River Tyne North Bank. Accordingly, **MM44** is necessary for soundness.
36. As submitted, Map 2 in the Plan accompanies the spatial strategy but is not described as the key diagram contrary to national advice on plan-making. **MM45** is necessary to clarify that Map 2, with amendments to reflect MM44, should be clearly identified as the Key Diagram.
37. A small number of updates are required to introductory parts of the Plan which provide the context to the spatial strategy. These would ensure the plan is up-to-date and consistent with national policy. These updates include referencing the role and relationship with the Marine Management

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<sup>11</sup> Appendix C of the HRA has applied the 6km buffer zone (vulnerable to recreational disturbance from local population) to the Durham Coast SAC as applied in HRA to the Sunderland and County Durham Plans.

Organisation and the overlap between Marine Plans and the Plan itself. Consequently **MM9** is necessary for soundness.

38. The Plan explains that it replaces the 2002 UDP. It is necessary to clarify that all of the remaining saved policies of the UDP would be replaced by the adopted NTLP. Accordingly **MM10** is necessary for the Plan to be effective. Similarly, it is important that the context of the Plan explains more fully the evidence base underpinning the plan, particularly around the assessment of the submitted development sites. **MM15** would provide a helpful summary of the work done and it should be included for soundness.
39. The introduction to the vision for 2032 should be more strategic and clarify that the priorities for the plan are for its entire plan period. Accordingly, the amendments in **MM29** are needed to ensure that the Plan would be effective.

#### *General Principles*

40. The Plan appropriately reflects the presumption in favour of sustainable development consistent with national policy in the NPPF. As submitted Policy S1.4 sets out a number of broad over-arching principles which will be taken into account when considering development in the Borough. The reference in the policy to minimise the impact and mitigate the likely effects of climate change is ambiguous and may be disproportionately interpreted, thus reducing the flexibility of the plan. Additionally, the NPPF refers to the effective and efficient use of available land. This particularly applies to previously-developed land where the supporting text on this point requires clarification on the viability of such sites.
41. Consequently, a small number of amendments to the wording of criteria (a) and (c) of Policy S1.4 and the supporting text at paragraph 4.21 are needed to ensure effectiveness and consistency with national policy. **MM53** and **MM54** are therefore necessary for soundness.

### **Issue 2 – Whether the approach to the provision of housing is positively prepared, justified, effective and consistent with national policy**

#### *Objectively Assessed Need (OAN) for Housing*

42. On 26 May 2016 the ONS published 2014 based Sub National Population Projections for each local authority to 2039. Subsequently DCLG published 2014 based household projections on 12 July 2016. This updated evidence forms the starting point for determining the OAN. **MM148** and **MM149** ensure that the Plan better reflects the starting point for OAN in national policy and an appropriate summary of the Council's approach to housing forecasts. They are therefore necessary for effectiveness.
43. Notwithstanding that the latest 2014-based projections provide for a lower starting point in terms of the demographic need of approximately 100dpa less compared to the 2012-based data, the methodology applied to deriving the OAN has remained constant. A total of 8 scenarios including either the 2012 or 2014 benchmark have been considered, with an additional 6 sensitivity analyses. In total 14 permutations have been considered which include all reasonable scenarios.

44. The principle issues on OAN are as follows: (1) whether the 2014 based projections involve a meaningful change from the previous 2012 based projections?; (2) the extent to which net in-migration from Newcastle requires an adjustment to the demographic OAN; (3) whether any uplift is required for market signals; and (4) whether the assumptions in the Council's preferred sensitivity Jobs-Led scenario (SENS3) are reasonable?

#### *Housing Market Area*

45. Whilst containment rates are marginally below the typical 70% threshold advised in the PPG<sup>12</sup>, dialogue under the DtC reveals that an HMA on the administrative boundary for North Tyneside would be justified. Whilst there are clearly synergies and evidence pointing to a wider HMA, on a practical level, the recent adoption of the Gateshead & Newcastle JCS and the advancing work on Northumberland's Local Plan means that North Tyneside's HMA forms part of a well-advanced jigsaw of up-to-date Local Plan coverage. Accordingly, I find the defined HMA provides an appropriate basis for this Plan on which to establish housing need.

#### *The Demographic Starting Point*

46. The PPG<sup>13</sup> advises that latest CLG projections should form the starting point for establishing housing need with the proviso that previous assessments should not be automatically rendered outdated every time new projections are issued. A number of representations submit that the 2012-based projections, which identified a higher demographic starting point of 802dpa should continue to be applied.
47. The 2014-based projections reveal a notable reduction in the annual number of additional households in North Tyneside, primarily reflecting population change such that the latest CLG projection is 707dpa. This is a meaningful change.
48. There is no sound reason why the 2014-based projections should not be applied to North Tyneside in isolation of what the projections may mean for the wider area north of the Tyne, particularly for Newcastle. I recognise the point that consequential effects on migration (were housing supply to be constrained in Newcastle) may highlight some strategic frailties with the approach of separate HMAs. This does not, however, provide a persuasive reason for not applying the 2014-based projections to North Tyneside. The Council's progression to applying the 2014-based projections has been specifically considered as part of the DtC resulting in a further signed agreement between the North of Tyne authorities<sup>14</sup>. This affirms that applying the latest 2014 projections to the Borough would have no material impact upon the strategic approach for population and employment growth north of the Tyne. I have no persuasive reason to disagree.
49. Taking all of the above into consideration, the continued application of the 2012-based projections would not be a justified starting point for assessing

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<sup>12</sup> PPG reference ID: Paragraph 2a-011-20140306

<sup>13</sup> PPG para 2a-015-20150227

<sup>14</sup> EX/NTC/36

the full OAN in the HMA. Consequently, the Plan as submitted would be not be sound. Accordingly, the 2014-based projections at 707dpa provide a justified and effective demographic starting point to quantify future housing need.

*Demographic Adjustments (including migration)*

50. It is submitted that the 2014-based projections, being based on relatively short term trends, may underestimate household formation, particularly in the young adult 24-35 age cohort. In support of these submissions reference has been made to the adjustments advocated in the LPEG report and the availability of new housing products (starter homes, help-to-buy etc.).
51. National guidance advises that CLG projections are to be considered as statistically robust<sup>15</sup>. There is little specific evidence in a North Tyneside context that past trends have not captured suppression in household formation rates. I also accept the Council's submission that there are also factors pointing to wider societal shifts influencing household formation amongst young adults. The matter is finely balanced but given the significant uplift in demographic OAN compared to past housing requirements and the potential for other uplifts I consider no separate adjustment is required for household formation rates.
52. In line with the PPG<sup>16</sup> the Council has considered whether local demographic trends, including alternative migration assumptions, indicate the need to adjust the demographic OAN. From the scenarios considered, the Council prefers the PG-10yr scenario which picks up the economic cycles before, during and after the 2008 recession, and indicates that historic migration patterns would point to a moderately higher OAN. Given North Tyneside's position within the wider Tyne and Wear conurbation, with its environmental attributes and range of housing, it seems logical that the Borough's housing market would continue to serve an appreciable trend of households wishing to relocate to the Borough. Applying the PG-10yr scenario against the 2014-based benchmark would increase the OAN to 750dpa.
53. There is, however, an issue as to whether sensitivities about the effects of adopted and emerging planning strategies in Newcastle and Northumberland on migration patterns should be considered at this point in the consideration of OAN. This issue also becomes inherently intertwined with assumptions around commuting. These intricate aspects of OAN have been conflated as a consequence of the involved approach to forecasting need. That is not a criticism of the approach but it does require me to consider the effects of future jobs on migration and strategies for greater self-containment.
54. The Council has considered specific sensitivity testing focused on the strategies for Newcastle and Northumberland (SENS1 and SENS2) and the consequences in terms of potential and significant net downward changes to migration patterns. These are reasonably discounted in their own right for deriving a lower OAN unlikely to support the economic potential of North Tyneside. They would also be below the CLG projections. That said, the

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<sup>15</sup> PPG Reference ID: 2a-017-20140306

<sup>16</sup> PPG Reference ID: 2a-017-20140306

implications of an adjoining recently adopted development plan strategy to reduce out-migration amongst working-age households should not be disregarded entirely. It adds a sense-check to a position that past migration trends may well not endure and as such any uplift may need to be tempered.

55. The Council's forecasting of housing need also considers a Jobs-led scenario to support medium economic growth levels. A further sensitivity assumption has been applied (SENS3). Without any adjustment the medium scenario would on past in-migration trends point to an OAN of 1,074dpa. Whilst improving economic activity rates and a modest decrease in unemployment may marginally reduce any in-migration to support future jobs, the principal adjustment under SENS3 has been to significantly reduce the commuting ratio. It is this assumption that has drawn one of the sharpest criticisms of the Council's approach to OAN.
56. The assumption that the out-commuting ratio will reduce from 1.15 to 1.05 in the plan period is neither implausible nor unrealistic. It is reflective of the trend since the 2001 Census and is consistent with the significant boost in the workforce of North Tyneside. The declining out-commuting ratio in North Tyneside has occurred when there has been a simultaneous higher rate of economic growth in Newcastle. Therefore, despite projected strong jobs growth in Newcastle, it is reasonable that the projected future jobs growth in North Tyneside would justify the commuting ratio reducing further.
57. The Council's forecasting is not predicated on a commuting balance. A residual level of out-commuting is still anticipated, most likely to Newcastle. The reduced level of commuting accords with the sound JCS for Newcastle which seeks to limit out migration through its scale of housing allocation. The JCS is in the very early stages of its implementation and as such it is too early to comment on its effectiveness. The evidence presented at the hearings is not persuasive that the plan for Newcastle would result in higher levels of in-commuting from North Tyneside such that a corresponding upwards adjustment for increased in-migration would be required.
58. It is significant that the SENS3 approach is endorsed by adjoining authorities under the DtC. North Tyneside's approach for increased self-containment across the north of Tyne is reflective of, but not derivative of, adjoining plan strategies. The Council's preferred approach of blending the 3 scenarios of the 2014 benchmark, the PG-10yr and the Jobs-led medium SENS3 results in a figure of 727dpa. This figure would represent a sound adjustment.

#### *Past Delivery and Market Signals*

59. I accept that the matter of any uplift for market signals is not straightforward given some fluctuations in the data for 2010-2015<sup>17</sup>. The longer term picture, which coincides with the expiry of the UDP in 2006 and associated constraints in land supply compared to housing need, points, however, to an overall worsening picture of housing affordability.

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<sup>17</sup> Table 2.1, SHMA Addendum 2016

60. The House Price Ratio has averaged at 5.9 over the period 2005-2015 (currently 5.8) and the Rental Affordability Ratio has averaged at 29.8% (currently 26.5%) over the same period. Both of these current figures are above the regional average and the change in lower quarter house price change in North Tyneside over the period 2010-15 at 4% is the second highest in the region and contrasts with a wider -5% decrease in the North East.
61. Whilst there is a modest surplus of vacant dwellings compared to the national average and overcrowding is not significant the evidence on price/rent ratios in the Borough nonetheless points to the need for a modest upwards adjustment for affordability in the form of percentage uplift rather than a precise figure. Reference has been made to the 2016 LPEG report but I am mindful that it is neither formal policy nor guidance. As such I revert to the general principles in the PPG<sup>18</sup> that any adjustment should be reasonable in terms of what would be consistent with the principles of sustainable development and could be expected to improve affordability.
62. The PPG<sup>19</sup> advises that it is for "plan-makers" to set the adjustment. The Council has considered the practicalities of any uplift in light of the deliverable and developable land supply. Accordingly, the Council has proposed phasing an uplift to correspond with a stepped trajectory that reflects alignment between the population and economic growth forecasts of the Borough. Consequently, an uplift of 15% would be applied from 2021/2 equating to a total 9% increase over the plan period.
63. Whilst I accept the points made that applying the uplift from 2021 is counter-intuitive to addressing current affordability issues, I consider this remains a judicious and rational approach and there are no sustainable or reasonable alternatives. This approach reflects the profile of land supply and the Plan's proposals to significantly boost supply in the short term in any event. Applying the 9% uplift, the increased OAN would be 790dpa averaged over the plan period and accordingly **MM150** would be necessary to explain this approach.
64. In considering that an adjustment for market signals for the OAN is necessary for soundness I address separately the wider issue of affordable housing need arising from the household survey in the SHMA in the consideration of the housing requirement below.

#### *Future Jobs*

65. The Council's medium forecast is derived from a number of scenarios developed by Arup for the economic growth strategy of the Plan. There is little evidence that the medium scenario fails to strike the appropriate chord of being both aspirational and realistic. Similarly, there is little justification that a higher jobs growth over a prolonged period would be either achievable or sustainable.

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<sup>18</sup> PPG ID reference: 2a-020-20140306

<sup>19</sup> PPG ID reference: 2a-020-20140306

66. Alternatively, a lower scenario does not appropriately reflect recent trends in jobs growth. In any event, were this scenario, including the unadjusted out commuting to materialise, it would not, taking into account adjustments elsewhere, result in a radically different OAN to the 790dpa that has so far been arrived at. Bearing in mind OAN is not an exact science or is unlikely to provide a single definitive answer it does not provide a compelling alternative.
67. Taking the evidence in the round, the Council's medium scenario appropriately reflects the economic potential of the area and provides a realistic basis for future jobs. The factors in North Tyneside which have influenced acceleration in jobs growth and reduced out-commuting since 2001 remain in place including a number of nationally and regionally important employment sites<sup>20</sup>. It is reasonable to assess housing need on the basis that North Tyneside has been fundamentally shifting for some time from an area that residentially served Newcastle's jobs growth to an area with its own strong economic potential. Therefore, and having previously found that the key assumption on out commuting to be reasonable, an OAN of 790dpa would remain reasonably aligned to support the Council's preferred medium growth scenario of some 700 jobs per annum to 2032.

*Are any other adjustments required in establishing the housing need?*

68. The SHMA identifies a significant increase in households comprising of elderly persons over the plan period. Whilst additional housing options such as sheltered accommodation are supported by the Plan, the number of households wanting to live independently albeit with some support<sup>21</sup> within the existing housing stock confirms that no specific adjustment to OAN is required.
69. Submissions have also been made that the Brexit decision in June 2016 may have either negative or positive implications on housing need depending on outcomes for net international in-migration and economic growth. It is too early to conclude what the implications of Brexit will be. There is no alternative statistical basis for arriving at a different conclusion from the evidence before the examination, including the 2014 CLG household projections which already factor in declining net international in-migration.

*The Full Objectively Assessed Need*

70. Whilst the evolution to establishing an OAN in North Tyneside has raised intricate issues I am nonetheless satisfied that the methodological steps set out in the PPG have generally been adhered to and overall the assumptions applied by the Council are generally reasonable. Taking all of the above into consideration, I conclude that the soundly based full OAN is 790dpa averaged over the Plan period. This is the quantity of housing needed in North Tyneside to meet the housing needs and support the planned strategy for economic growth.

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<sup>20</sup> Cobalt, Quorum, Weetslade, Tyne Tunnel Trading Estate and River Tyne North Bank EZ.

<sup>21</sup> As informed by the Household Survey results for the SHMA.

### *The Housing Requirement*

71. Notwithstanding Green Belt, international and national designated biodiversity sites and issues of wider infrastructure capacity it is clear that the full OAN of 790dpa need can be delivered within the Borough. Accordingly, there is no persuasive reason to apply any downward adjustment when transposing the OAN to the housing requirement. Under the DtC, neither NeCC nor NoCC, who comprise the wider north of Tyne area, have identified a shortfall in their full OAN that should be accommodated in North Tyneside.
72. Taking into account the PPG<sup>22</sup> advice, I have also given consideration as to whether or not a further uplift to the housing requirement to meet the need, arising from the household survey for the SHMA, for 490 affordable dwellings each year as a proportion of total housing development would be reasonable. On the basis of the whole plan viability evidence of 25% affordable housing on qualifying sites, the overall housing requirement would need to increase to some 2,000dpa to proportionally meet the need. In light of the evidence on market delivery and environmental capacity, any requirement approaching this magnitude is neither sustainable nor practical. In any event the Plan's housing requirement will significantly boost housing supply, including affordable housing. The identified requirement would also meet the full OAN for market and affordable housing. Consequently, no further adjustment is necessary to the housing requirement.
73. As currently submitted the Plan and its housing requirement does not reflect the full OAN for the HMA and therefore would not be positively prepared, justified, effective or consistent with national policy. A modified housing requirement of 790dpa averaged over the Plan period would meet these tests of soundness. As such proposed main modifications **MM153** to Policy S4.1 and **MM155** to Policy S4.2 are required to ensure the Plan reflects the up-to-date full OAN. **MM163**, **MM164** and **MM171** would provide necessary updated text on the forecasting which has informed the OAN.

### **Issue 3 – Whether the approach towards the supply and delivery of housing land is positively prepared, effective and consistent with national policy.**

#### *The Housing Requirement*

74. Applying the full OAN the housing requirement in the Plan would be 16,593 net homes over the period of the financial years 2011 to 2032. This would be clarified in Policy S4.2 and supporting text and as such **MM155** and **MM165** would be necessary in this regard.
75. Some 2,170 net dwellings have already been completed in the plan period 2011-2016. This leaves a residual requirement of 14,423 over the remainder of the plan period. On submission the then higher housing requirement of the Plan was anticipated to come forward at a constant annual rate of delivery to which a 5% buffer for choice and competition was applied to the first five years brought forward from later in the plan period. There was no discount for

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<sup>22</sup> PPG ID reference: 2a-029-20140306

non-implementation and the shortfall was dealt with within the first five years. When applying these parameters, the Council acknowledged that a five year deliverable supply of housing land could not be demonstrated. This approach would be inconsistent with national policy, ineffective and lacking in justification as the most appropriate strategy. The submitted plan is not sound on this matter.

76. Applying the same parameters against the reduced housing requirement of 16,593 would not overcome these deficiencies. As such it is necessary to determine the most appropriate approach that would pragmatically boost supply over the whole plan period whilst ensuring the Plan has an effective shelf-life. This necessitates a profiling of the housing requirement over the plan period. As such I find the Council's approach of a phased housing requirement to mirror the economic growth strategy to be appropriate<sup>23</sup>. This results in a stepped trajectory which stages the rates of housing growth in five year blocks from 2011. This starts at a modest 551dpa in the 2011-16 first period of the Plan and peaks at 938dpa in the second middle phase (2021-26).
77. This phased approach would ensure necessary focus on the two strategic sites which are central to the Plan's sustainable spatial strategy, accounting for some 35% of the total residual housing requirement. Given their scale they will take time to reach their full and sustained annual outputs. This is likely to coincide when the periods of highest required delivery rates are needed. The proposed stepped trajectory still provides for a significant boost to supply in the short term and sustainably meets the full OAN over the totality of the plan period.
78. On this basis a number of modifications referencing the stepped trajectory in Policy S4.2, the trajectory itself and a series of explanatory text, including a phasing table, would be necessary for soundness. Accordingly **MM155, MM456, MM457, MM483, MM198, MM199**, are all necessary to make the Plan justified, effective and positively prepared. **MM151** and **MM152** would be necessary to reflect the latest evidence in the SHLAA, including references to recent requirements such as a Brownfield Register.
79. The housing requirement at Policy S4.2 should not be regarded as a ceiling. The robust approach of the SHLAA has identified that some 2,800 dwellings could come forward on "other SHLAA sites" which will provide a likely buffer of supply above and beyond that identified in the Plan. Additionally identified housing sites may yield higher capacities than assumed in the Plan, subject to other policy compliance. Accordingly, the housing requirement should be expressed as a minimum and the words "at least" inserted into Policy S4.2. I therefore recommend **MM155** as being necessary for the Plan to be positively prepared and consistent with national policy.

#### *Five year Housing land supply*

80. Past delivery in North Tyneside has been variable since 2004. The housing requirement has not been met in any of the last 8 years. This clearly amounts to persistent under-delivery and therefore a 20% buffer would be justified.

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<sup>23</sup> Examination Documents EX/NTC/5 and EX/NTC/54

This is presented in the plan as part of the various modifications on calculating housing land supply at MM457 and MM167.

81. It is also reasonable to make an allowance that a very modest proportion of planning consents for housing will not be implemented. The Council has submitted that a 5% non-implementation allowance should represent the maximum figure. Whilst recent monitoring trends may point to a lower figure, I find a 5% allowance at MM457 is justified.
82. As submitted the Plan lacks a five year supply of deliverable housing land. The modified phased trajectory goes a considerable way to ensuring the Plan would be effective in this regard. Against the modified stepped trajectory, a shortfall of 585 dwellings has already accrued in the early phase (2011-2016). The Council's preferred approach has been to deal with shortfall within the first five years (the *Sedgefield* method). Applying a necessary 20% buffer and a 5% non-implementation allowance the *Sedgefield* approach would require annual delivery of approximately 1,000 dwellings (2016-21). On this basis a deliverable land supply equivalent to 5.03years can be demonstrated.
83. In my view this scale of supply is too tight and with a significant risk that it would not be met given past market performance. It would not be an effective or justified approach. A residual approach of spreading the shortfall across the remainder of the plan period (the *Liverpool* method) is not precluded by national policy. It would result in a more sustainable annual target of 931dpa in the period 2016-2021. In itself, this would represent almost a doubling of recent house-building rates whilst ensuring focus remains on early delivery at the two strategic urban extensions. In this way applying a residual approach to shortfall would be consistent with national policy.
84. The SHLAA provides a robust assessment of site capacity and demonstrates that a quantitatively sufficient supply of deliverable and developable housing land exists over the plan period to meet the housing requirement. It is now estimated that delivery on the two strategic sites will begin at a more realistic point, in 2018/19. This reflects the considerable degree of technical work already undertaken on these sites, including with the engagement of ATLAS, and the ability of both sites to progress initial phases of development without insuperable infrastructure requirements. This adjustment is largely compensated by good progress being made at Station Road in Wallsend.
85. Permissions and deliverable allocations in the period 2016-21 alone could yield a deliverable supply equivalent to 5.06years under the stepped residual trajectory. This position is improved to a 5.56 year supply once other quantifiable sources of supply are incorporated. This includes a modest but reasonable allowance for windfall and small sites (<5 units), excluding the first year of the 2016-21 period to avoid double counting<sup>24</sup>. An additional small allowance (some 70 units in total) is made in the Council's five year housing supply for "other" SHLAA sites. This inclusion would not be unreasonable given the likelihood of such sites coming forward within the positive policy framework in the Plan.

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<sup>24</sup> Consistent with NPPF paragraph 48

86. Taking all this together, in terms of applying the stepped trajectory, a residual approach to shortfall, a 20% buffer for past under-delivery and a 5% non-implementation allowance, a 5.56 year housing land supply can be demonstrated on adoption of the Plan. **MM457, MM167, MM483, MM169, MM198, MM199** and **MM200** are all necessary to reflect this and to provide clarity for future decision-makers on calculating land supply.
87. The ability to demonstrate a deliverable five year housing land supply on an on-going basis is dependent on progress on implementing the two strategic greenfield housing sites. This is not without its risks and there are other factors which may affect the housing supply. This is recognised in the Housing Implementation Strategy which accompanies the plan along with a comprehensive Implementation and Monitoring Framework.
88. Whilst Policy S9.1 addresses monitoring and the potential for a Local Plan Review in the round, I consider an additional policy and text emphasising the spatial efforts to be made to deliver the plan strategy but also instigating a pro-active plan-led response were under-delivery to arise, would be necessary in order for the Plan to be sound. Responses to the main modifications consultation have drawn attention to the Housing Delivery Test in the Housing White Paper. This remains subject to further consultation but I do not consider the intention of the Test to conflict with the objective of the proposed new policy. No further amendment would be necessary at this stage.
89. Accordingly, the additional policy at **MM456** and supporting text at **MM457, MM204** and **MM205** are required for the Plan to be effective and positively prepared in ensuring actions are taken to ensure housing supply.

#### *Requirements for Affordable Housing*

90. The SHMA outlines the scale of affordable housing need at 490dpa. The significant uplift in overall housing delivery over the plan period will include an element of affordable housing as required by Policy DM4.7. This would contribute towards widening housing options, including affordable homes.
91. The updated area wide viability assessment demonstrates that a 25% target is largely viable in most scenarios taking into account other policy requirements including housing standards. There is little persuasive viability or need evidence to justify a lower percentage than the 25% proposed. It is important, however, that Policy DM4.7 is sufficiently clear and flexible in its implementation.
92. As submitted Policy DM4.7 refers to a contribution of at least 25%. This would result in ambiguity for developers and decision-makers as to whether or not more than 25% would be required to make the development acceptable in policy terms. It is therefore unjustified and ineffective. As such **MM219, MM222** and **MM223** would be necessary to clarify in both supporting text and the policy respectively, that 25% is the requirement on qualifying sites. **MM223** is also necessary to ensure that the Policy would be consistent with nationally applied site thresholds for affordable housing contributions<sup>25</sup>.

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<sup>25</sup> Secretary of State's Written Ministerial Statement 28 November 2014

MM223 would also be necessary in terms of removing the reference to "in perpetuity", again to be consistent with national policy.

93. With regard to the approach in Policy DM4.7 to off-site contributions MM222 and MM223 provide necessary clarification for effectiveness. There may well be scenarios where a greater off-site contribution could be secured and supported, however the starting point in Policy is that off-site contributions should be of broadly equivalent value. As such MM223 is also necessary for Policy DM4.7 at criteria (b) and (c) to be consistent with national policy<sup>26</sup> on this particular aspect.
94. Additionally, as part of MM223 it is also necessary to recognise in Policy that negotiation may be necessary on the sought tenure split of 75% social rent and 25% intermediate tenure as identified in the SHMA in order to secure a viable scheme. As such MM223 would ensure that the policy would be appropriately flexible and therefore effective.
95. At the time of the examination, those parts of the Housing and Planning Act 2016 relating to starter homes had not been enacted. Through proposed modifications the Council has sought to sensibly anticipate the direction of travel on starter homes and provide valuable additional text to flexibly respond to opportunities for the provision of such housing. Accordingly, I consider **MM224**, **MM225** and **MM226** would be necessary for the Plan to be effective and for it to respond to expected national policy from the 2016 Act.

*Other forms of housing (Self-Build, Executive Housing & Housing for the Elderly)*

96. The household survey informing the SHMA identified a very modest interest in self-build. Additional supporting text to Policy DM4.6 is proposed to update the context and Council's efforts to enable those interested in self-build to find suitable building plots in the Borough. The changes are necessary to ensure that the Plan is consistent with national policy<sup>27</sup> and therefore **MM214** and **MM215** are recommended.
97. As part of widening the choice of high quality homes in the Borough, the Plan promotes "executive housing" through Policy DM4.6. In order to make the Plan justified and effective the Policy should reflect that the defined characteristics of executive housing could be secured at higher densities of up to 22 dwellings per hectare. On this basis, **MM216** is necessary and is therefore recommended.
98. Additionally, notwithstanding some reservations about the effectiveness of criteria (d) and (e) in assessing what constitutes "executive homes" the Council has clarified how the price of these homes will be measured through updated supporting text. Consequently, **MM458** is necessary to ensure that the Plan would be justified and effective in its implementation.
99. With regards to housing accommodation for older persons the SHMA demonstrates that that Borough's population aged over 65 is forecast to grow by over 60% during the plan period, including substantial increases in the over

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<sup>26</sup> NPPF Paragraph 50

<sup>27</sup> Self-Build and Custom Housebuilding Act 2015 and Planning & Housing Act 2016

90 cohort. The Plan provides an appropriate response at Policies DM4.8 and DM4.9. The Plan's approach to the housing needs of older people is consistent with national policy<sup>28</sup>, and therefore sound.

*Provision for Gypsies, Travellers and Travelling Showpeople*

100. The Council has undertaken an up-to-date assessment of need<sup>29</sup> which covers the plan period to 2032. The methodology of the assessment is consistent with the NPPF and the Government's Planning Policy for Traveller Sites 2012. In preparing the need assessment there has been appropriate engagement with travelling communities and neighbouring authorities as well as examining baseline data through Census and caravan count returns. The assessment has appropriately considered existing provision, households living in bricks and mortar accommodation, concealed households and in-migration. The issue has also formed part of the on-going dialogue under the DtC.
101. The evidence concludes that there is very limited interest from both gypsy and traveller communities and travelling showpersons in residing in North Tyneside given the paucity of known historical ties to the area and absence of any authorised sites. Accordingly, no additional permanent pitch provision to 2032 is identified in the Plan. Similarly, there is only limited evidence that North Tyneside sporadically functions as a stopping place for those in transit. Policy DM4.12 of the Plan is positively worded to permit additional provision for gypsies, travellers and travelling showpeople subject to criteria. There is no particular evidence that would justify any additional criteria regarding locational specificity for additional provision in what is a relatively small Borough.
102. In the context of the specific needs evidence for North Tyneside, Policy DM4.12 is fair, realistic and inclusive as required by the PPTS. Some minor clarification is required in the policy text to confirm that the policy applies to both proposals for additional provision as well as expansion of existing sites and therefore **MM239** is necessary for the Plan to be effective.
103. The context of Policy DM4.12 also requires clarification. Proposed main modification **MM238** would necessarily explain the terminology used in the policy in order for implementation to be consistent with national policy and effective. Additional text is also necessary to recognise that there is a cross-boundary dimension which has been considered under the DtC. Amended text acknowledging that additional provision is being made across the wider sub-regional including in neighbouring Northumberland at **MM243** is therefore recommended.

**Issue 4 – Whether the housing allocations and strategic sites set out in Policies S4.3 and S4.4(a)-(c) are justified and effective (deliverable and developable).**

104. There is no persuasive evidence that the Council's assessment of the capacity of the proposed allocations based on the latest SHLAA is over-optimistic. There

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<sup>28</sup> NPPF Paragraph 50

<sup>29</sup> North Tyneside GTAA July 2014 (Document Ref: NT07/18)

has been some modest amendment to the submitted capacity of these sites to reflect updated evidence on individual site capacities. **MM173, MM174, MM175, MM177, MM178, MM179, MM475** and **MM484** would appropriately clarify the overall scale of allocated housing sites, update the table in Policy S4.3 and where necessary the associated inset maps embedded within the Plan (with corresponding updates of the Policies Map). These modifications are necessary for soundness in order for the Plan to be justified and effective.

105. It is recognised through the HRA process that there are a small number of housing allocations in Policy S4.3 proximate to international sites of biodiversity importance which have been screened in as part of the appropriate assessment of the Plan. **MM448** would cross-reference Policy S4.3 to Policy DM5.6 in terms of the requirement for mitigation and is therefore necessary for soundness and legal compliance.

#### *Strategic Sites – general*

106. Policies S4.4(a) and S4.4(b) for Murton and Killingworth Moor respectively refer to “approximately” 3,000 homes for the former and 2,000 homes for the latter. In the context of this Plan I am satisfied that the word “approximately” provides moderate upward flexibility given the significant evidence demonstrating that both sites can sustainably accommodate the broad quantum of development identified in the Plan. It would be unreasonable to interpret “approximately” as a cap on development given the strategic significance of these sites over the period to 2032 and possibly beyond.

#### *Murton Strategic Site*

107. The Murton strategic site is proposed to accommodate some 3,000 homes, local retail and supporting infrastructure. The Plan contains an indicative concept plan, reflective of the notable amount of background work which supports the allocation in the Plan. As submitted the concept plan was of poor legibility but **MM186** would address this.
108. The Plan's strategic approach to the site provides for a strong green spine through the site extending from Rake Lane and connecting into Green Belt to the north of the Metro line. The principle of this sizeable green swathe across what is a relatively featureless and intensively farmed urban edge is a commendable outcome given the need for the site to make a significant contribution to development needs. It would provide for a strong sense of openness and greenness, an effective wildlife corridor and a positive setting for Murton.
109. The strategic site currently provides some public access for pedestrian, cyclists and horse riders. However, the proximity of existing surrounding development is obvious in most directions, not least towards the modern Monkseaton High School building. Consequently, there is no strong sense of seclusion from the main urban area. I recognise that the network of footpaths are well-used and have health benefits but I am satisfied similar, and very likely better, could be provided as part of the strategic site proposals.
110. Through the HRA process this strategic site has been screened in as having a likelihood of a significant effect in terms of recreational pressure on coastal habitats. This can be mitigated through a combination of suitable alternative

natural green spaces (SANGS) as part of the sizeable patchwork of green amenity space proposed and contributions to the various actions identified in Policy DM5.6. Various amendments are required to clarify this in the Plan for the purposes of HRA and consequently **MM181** and **MM182** are necessary for the Plan to be sound.

111. The site forms part of an already agreed mitigation package secured for the displacement of bird species as part of the consent for 650 dwellings at Station Road, Wallsend. I have no persuasive evidence that relocating this mitigation would be ineffective for the affected species, together with any similar mitigation required from the strategic site itself. I am satisfied that alternative habitat can be secured on proximate alternative sites under the control of one of the landowners in the Murton Consortium at a comparable location, which will endure. In looking at the site in the round I also attach significant weight to the biodiversity benefits that would arise from a variety of green amenity spaces, attenuation ponds and other features on what is presently mainly featureless farmland of limited ecological value.
112. Flood risk is a significant local concern following the storm event of "Thunder Thursday" in 2012. The frequency and intensity of such climate related incidents are projected to increase but I am satisfied that the various strategic flood risk work takes this into account. The absence of objection from the Environment Agency, Northumbrian Water and other authorities provides additional confidence that surface and foul water can be appropriately drained from this site.
113. Criterion f. of Policy S4.4(c) requires a heritage management strategy and this is an effective approach given there are no known in-principle heritage impediments to the development of this site. Various submissions have highlighted the medieval field patterns and remaining ridge and furrow features. The planned approach to the green amenity spaces would largely see the retention of these fields and features as set out in the concept plan at Map 20 of the Plan. Whilst Murton is a small, nucleated settlement on an ancient route between Lindisfarne and Jarrow the built fabric is now principally Twentieth Century. I have little persuasive evidence that there is additional archaeological significance to that already identified and protected within the proposed undeveloped Green Amenity Space.
114. Reference has also been made to the Forge at New York and the effect of accessing the site in this location given that various preliminary highway solutions would require its removal. I recognise that it has some resonance and heritage value to the local community but the building is now largely subsumed within residential development. Any harm arising from its loss would be less than substantial and clearly outweighed by the public benefits of provided much needed housing in an otherwise sustainable location.
115. The anticipated traffic generation from the proposed housing is one of the principle concerns. In considering this matter I have looked at four issues within the significant volumes of transport evidence. My assessment has taken account of the absence of objection from Highways England, Nexus and the Local Highway Authority.
116. Firstly, the site is inherently sustainably located. The substantial Cobalt and Silverlink employment areas, local schools and facilities in Monkseaton,

Shiremoor, Northumberland Park and northern parts of Tynemouth, proposed primary school and local facilities on-site and proposed secondary school at Killingworth Moor and general hospital and facilities on Rake Lane are all within reasonable walking or cycling distances.

117. Secondly, the site has the ability to readily connect into public transport networks. The feasibility of plugging the site into either existing bus routes along the periphery of the site or practical amendments to these routes to serve early phases of the development has been demonstrated. Preliminary infrastructure planning and transport planning has established options for subsidising and facilitating bus provision through permeable public transport corridors. This work has been factored into positive viability assessments.
118. The site also has the advantage of bordering the Metro line and a potential additional station is identified in addition to those at Shiremoor and West Monkseaton. The provision of a Metro station is part of the preferred transport package that both the Council and the Consortium are pursuing. I do not consider the Plan unsound in expressing such flexibility at criterion e. of Policy S4.4(c). This sagaciously reflects the evidence that whilst in-principle a station would be deliverable, further feasibility and viability work is nonetheless required, particularly around on-going revenue costs. In any event, were the Metro station not to materialise, the evidence before me satisfactorily demonstrates that the required modal shift can be secured from an enhanced package of bus provision to serve the site.
119. The third aspect is the capacity and ability of the strategic road network to accommodate traffic associated with this site. The site is detached from the A19 and would be realistically accessed from either the Holystone (A191) or Silverlink (A1058) interchanges. The A19 in North Tyneside is currently benefitting from investment being delivered by Highways England to improve junction capacity and journey times at the A19/A1058 Silverlink interchange. This work together with an identified programme for ongoing improvements at junctions along the A19 corridor will be beneficial to creating the capacity to support the planned growth in North Tyneside to 2032 and is identified at Policy S7.3 and on the Policies Map. Given the scope for modal shift and the improvements identified I share the view in Highway England's position statement that there would not be an adverse impact on the strategic highway network resulting from this strategic site.
120. The fourth and final strand is, importantly, the local highway network. This has been robustly modelled and a series of capacity improvements are identified in the Plan including a strategic transport route from the A186/A192 at Earsdon to the A191 New York Road as required in Policy S4.4(a). Additionally, various junction improvements are proposed at key pinch points on the A191 and A1058.
121. In terms of the rationale for the proposed strategic transport route there is a consensus from the highways authority, developer and local planning authority that notwithstanding the targets for modal shift, the road would be necessary to ensure that the development would not have significant impact on the local road network. It is clear it would provide an alternative northern access into the development which would necessarily avoid any severe residual impact on development solely utilising the A191 to the south. I am also persuaded that the road would deliver wider benefits to North Tyneside including a

diversionary effect for north-south traffic movements that are currently having a harmful effect through Monkseaton and Park Lane, Shiremoor. The strategic transport route is to be regarded as critical infrastructure necessary to ensure that the strategic site would be sustainable.

122. There is very little evidence that the indicative alignment of the route would be particularly complex to construct. I also find the projected bridge costs to be broadly reasonable. The strategic route is indicatively shown in the Plan as connecting into the A186 bypass at Earsdon close to the existing roundabout with the A192. The consortium promoting the strategic site have undertaken sufficient technical analysis to demonstrate that this suggested access point would provide a safe and suitable access taking account of the proximity of the roundabout and realistic traffic behaviour. The indicative access point in the Plan accords with requirements at paragraph 32 of the NPPF and I am satisfied that a deliverable and achievable access point can be secured onto the A191. Accordingly, the Plan on this detailed point is justified, effective, consistent with national policy and therefore sound.
123. In terms of other proposed indicative access points I have no persuasive evidence that they would have a demonstrably unacceptable impact on the highway network contrary to the modelling and other evidence before me. It has been suggested that an alternative access to the A191 could be secured on Rake Lane close to Murton House. There is no substantive evidence that this would be suitable in highway terms or would have a less than substantial harm on the listed buildings and structures at this location.
124. With regards to the off-site junction improvements I note that these correspond to those locations identified through the Plan consultation as being of primary local concern. From the evidence before me I am satisfied that the preliminarily modelled improvements would be effective, viable and capable of implementation. They are appropriately accounted for in the infrastructure delivery planning that underpins the demonstration that the strategic site would be deliverable.
125. Allied to transport impacts from the site concern has been expressed about related air quality. There are no air quality management areas in the vicinity of the site. Maintaining good local air quality is specifically identified in the SA objectives and picked up in the monitoring framework. There is no persuasive evidence to demonstrate that local air quality will be unacceptably affected as a result of this proposal of the Plan. Air quality would also need to be considered at a project level in accordance with Policy DM5.19. Air Quality is also an issue that would also form part of any required Environmental Statement through the planning application process.
126. Bringing these various strands together I am satisfied at a strategic plan level the transport impacts of the proposed scale of development at Murton would be acceptable. There are deliverable and viable packages of transport infrastructure both on and off-site to secure modal shift, provide quality transport choices and ensure there would be no severe residual impacts on highway safety.
127. Commensurate with its status as a strategic site, a significant amount of evidence on infrastructure and viability has already been undertaken to inform whether or not development would be acceptable in planning terms. The

essential transport, utility, community, green and blue infrastructure requirements of the site are clearly understood following engagement with the necessary bodies. The policy framework for the site requires a masterplan to logically coordinate these requirements. From the work already undertaken I see no reason why there would not be an early masterplan in 2017 from which application(s) could be progressed. Given the site has more than one frontage to the south onto the A191 it seems reasonable that the site could sustain early and simultaneous on-site delivery to accord with the SHLAA appraisal.

128. Overall, there is a good understanding of the infrastructure costs, timeframes and responsibilities for delivery, including the on-site infrastructure such as the strategic transport route, significant green amenity space and primary school. Initial phasing work is developing a practical approach to balancing revenue streams against the demanding capital investment required. In my view, this supports the assessment that the site will have a pivotal role in delivering sustained volumes of house-building, particularly during the middle and later phases of the plan period. It is clear that careful consideration has been given to viability but this remains a 'live' issue that will inform the detailed contents of the phasing and delivery strategy required by Policy S4.4(c). For the purposes of plan-making I am satisfied that the infrastructure delivery planning and viability assessment work for the site meets the requirements of the NPPF at paragraph 173.

129. Accordingly, I find that the strategic site at Murton would have no significant adverse effects. It would provide substantial benefits in the wider public interest, not least in meeting a significant proportion of the identified housing need at a sustainable, non-Green Belt location. Importantly, it would be viable in broad terms and deliverable during the plan period. The policy framework for the site at Policies S4.4(a) and S4.4(c) provide a number of important requirements to ensure that the detail of what is developed would amount to sustainable development, not least the requirement for a masterplan and various supporting strategies. Accordingly, the proposed strategic site at Murton and its policy framework are sound.

#### *Killingworth Moor Strategic Site*

130. This strategic site comprises primarily of intensive arable farmland although the character of the site is strongly influenced by man-made features such as the pylons, the A19 to the east and commercial development at Holystone. Recent housing developments adjacent to the site including the former REME depot and new housing on the edge of Palmersville have visibly encroached into this site. The site is generally surrounded by urban influences such that it has very little physical or perceptual connection to any wider countryside.

131. There is a framework of hedgerows and trees on parts of the site, particularly along the former waggonway and close to the letch towards the south-west of the site. In themselves these features do not point to a valuable wider landscape that should be preserved. The evidence behind the concept plan presented at Map 21 in the Plan identifies that appreciable green amenity corridors need to be incorporated into any masterplan. These buffers would appropriately protect the shallow valley floor of the letch, the waggonway and significant other areas of the site. Overall I find that the loss of ordinary farmland would not be harmful to the character of this part of the Borough.

132. The local biodiversity value of the site is clearly appreciated by local residents. Any development would be required by policies of the Plan to conserve biodiversity. There are no national or local biodiversity designations on the site or dependable survey results which lead me to find that development of the site would have a significantly adverse effect on wildlife. Various wildlife corridors are proposed through the site and along key features and I have no persuasive evidence that they would be ineffectual in providing networks including from Killingworth Lake and Rising Sun Country Park to countryside to the north. These corridors will need to be factored into any masterplan as required in Policies S4.4(b) and (c) and I consider this a satisfactory approach.
133. The highway impacts of Killingworth Moor have been modelled. I have very little substantive evidence that the proposed strategy for the site in terms of the indicative access points, potential bus permeability, indicative link road through the site, underpass to Northumberland Park and potential Metro station would provide for other than a proportionate package to ensure that the impact on the local highway network would not be severe. Indeed, the proposed link between the B1317 and Great Lime Road presents an opportunity to significantly reduce traffic from those parts of Killingworth Lane in and around the historic core of Killingworth village. This would be of notable benefit.
134. As with Murton, there is a consensus that an additional metro station would form part of the preferred transport infrastructure to serve the site. I draw similar findings that there would be benefits from an additional metro station in terms of modal shift but the Plan would not be unsound in providing flexibility to enable the operational feasibility and viability of an additional metro stop to be considered further. Were an additional metro station not provided I am satisfied that the evidence demonstrates that the modelled modal shift is achievable from an enhanced package of bus services.
135. Killingworth Moor is a mixed-use strategic site and as such would provide for inherent sustainability credentials arising from the proximity of housing to the proposed 17 hectares of employment land. Similarly the provision of a primary school, secondary school and local retail facilities would reduce the need to travel. The underpass to Northumberland Park and improvements to the A19 Holystone interchange further enhance the foot and cycle connectivity from the site to employment and facilities east of the A19.
136. The proposed employment location would be appropriate and suitably separated from residential development at point of prominence to the A19 corridor. The need for employment land at this location and its attractiveness to the market is clearly demonstrated in the ELR. **MM189** would clarify the indicative concept map for the site and would remove an indicative employment area adjacent to the A1056. Both are necessary for soundness.
137. The policy framework for the site requires a masterplan and various supporting strategies to guide development proposals. I see no substantive reason, given the volume of work already undertaken, that a masterplan, reflective of the phasing analysis already undertaken, could be translated into application(s) in 2017. Given the site fringes numerous road frontages and existing development areas, it inherently lends itself to a number of simultaneous opportunities to secure and sustain early and appreciable on-site

delivery that would accord with the SHLAA analysis. Some minor clarifications to Policy S4.4(b) would be necessary as presented in **MM187**.

138. A significant volume of work has informed the Concept Plan and specific policy requirements for this strategic site including infrastructure delivery plans. The Plan provides an appropriate framework for the necessary and more detailed masterplans and delivery and phasing strategies. For the purposes of plan-making I am satisfied that careful consideration has been given to the viability of this site including the impending possibility of CIL. I am therefore satisfied that this strategic site can viably meet the infrastructure demands arising from it and is deliverable within the terms expressed at paragraph 173 of the NPPF.
139. Accordingly, I find that the strategic site at Killingworth Moor would have no significant adverse effects. It would provide substantial benefits in the wider public interest, not least in meeting a significant proportion of the identified housing need as well as strategic employment land at a sustainable, non-Green Belt location. Importantly, it would be viable in broad terms and deliverable during the plan period. The policy framework for the site at Policies S4.4(b) and S4.4(c) provide a number of important requirements to ensure that the detail of what is developed would amount to sustainable development, not least the requirement for a masterplan and various supporting strategies. Accordingly, the proposal and its policy framework are sound.

*Other Housing (included mixed-use) Sites*

*Station Road, Wallsend (Benton Rise)- Sites 17, 111 and 144.*

140. The next largest housing allocation in the Borough is at Station Road, Wallsend (also described as Benton Rise), which in total would amount to approximately 615 dwellings in addition to the 650 dwellings with planning permission at the adjacent permitted development east of Station Road, Wallsend. The area comprises open land, mainly in agriculture and equestrian uses rising from the northern edge of Wallsend to the southern fringes of Longbenton. Whilst it would result in the coalescence of Wallsend and Longbenton this is already occurring in a large part with the construction of 650 dwellings east of Station Road, reflecting this area is not Green Belt or part of any wider green infrastructure despite the nearby Rising Sun Country Park. It is a logical development location.
141. Given development activity at this location there is now confidence that Site 111 should be adjusted to include its full extent<sup>30</sup>. This would allow for a modest 50 additional dwellings which would help maintain supply over the plan period. There would be no significant harm to the environment, flood risk or to the living conditions of adjacent or future occupiers of housing. As such the amended capacity of Site 111 to 100 dwellings in **MM174** and the associated updated inset map 14 at **MM473** would be necessary in terms of effectiveness of meeting housing needs.
142. Indicative wildlife corridors are shown on the Policies Map and reflected as indicative buffers on inset map 14. I see no reason why these would be

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<sup>30</sup> SHLAA Site 73b

ineffectual in forming part of a wider network of biodiversity connections through Wallsend and Longbenton to the Rising Sun Country Park. I note the heritage assets at East Benton Farm and the right of way separating sites 17 and 111. Undoubtedly the character of the setting of these features would change, but the harm would be less than substantial and clearly outweighed by the benefit of housing to meet identified needs.

*Charlton Court, Whitley Bay – Site 45*

143. The planned layout of housing in this part of Whitley Bay is arranged around a central green space such that housing on Churchill Avenue, Cedartree Gardens and Baytree Gardens faces onto it. Given the size of the open space, I am satisfied that a modest amount of additional development could be satisfactorily accommodated without any significant harm to the character of the area or the function of the open space for informal play.
144. The Plan as submitted shows the entire area of public open space allocated for housing (20 units). I accept the Council's submission that the reality of this scale of allocation would leave scope for areas of open space to be retained. However, as submitted, the Plan does not positively protect any area of the open space and in theory alternative housing proposals on all or most of the site, subject details, may not be adjudged by a future decision maker to be contrary to the development plan. As submitted, I find the Plan unsound in relation to Charlton Court in terms of its justification and effectiveness.
145. The evidence before me confirms that this is a Council owned site and a decision has been made to dispose of part of the site. From my observations, that part of the site would relate well to adjoining blocks of flats and would preserve a meaningful balance of open space. A housing allocation on this part of the site to provide a revised amount of 13 dwellings and a larger balance of open space would be justified. This is expressed in **MM474** to Policy S4.3 and associated **MM482** and **MM484** in terms of updating the Policies Map, both of which are necessary for soundness.

*High Farm, Killingworth – Site 113*

146. The site adjoins operations at Hillheads Farm, which is a bustling enterprise dealing in wholesale greengrocery, farm shop, pet foods, timber and firewood. The size of the car park, signage from the A1056 and standard of the access road all confirm it is a well-used site. The evidence indicates that noise from the site and general odours from the small number of livestock would need to be considered for those parts of the site closest to Hillheads Farm. I recognise the concern that adjoining housing inappropriately close to the Farm may result in complaints but I am not persuaded that the proximity of Hillheads Farm renders Site 113 undevelopable in its entirety.
147. All proposed housing sites have been systemically appraised including consultation with the Council's Environmental Health service. There has been no in-principle objection or harm identified to the site's residential allocation through this process. Overall, I am not persuaded that the allocation of Site 113, and similarly the adjoining Killingworth Moor Strategic Site, would significantly harm the activities at Hillheads Farm. The Council through part of its changes in **MM174** now seeks to reduce the capacity of this site from 31 to 28 dwellings. In my view this would enable a more flexible scheme that could

appropriately respond to the presence of Hillheads Farm and as such the modification is necessary.

*Backworth Business Park – Site 29*

148. Policy S4.3 allocates some 8.5ha at the former Backworth colliery employment site for mixed uses including the potential for 65 dwellings. Investment at the site has been intermittent, possibly reflecting changes in ownership, but parts of the site have benefitted from reclamation from its former use. It has been submitted that insufficient effort has been deployed to bring additional employment uses to fruition but I am not persuaded that this is the case. The poor profile of the site in combination with competitive, alternative EZ land, have been the principal factors against any successful take-up over the past 20 or so years. In my view, the Plan, having regard to national policy at paragraph 22 of the NPPF and informed by the findings of the ELR, is justified in considering a mix of uses on this site.
149. Keenan's vegetable processing plant is positioned towards the south-west of the site, it does not have restricted hours of operation, HGVs deliver and collect from the highway and the building has various openings, ancillary yard areas and a modest area of land for expansion. I have also taken account of the evidence of complaints from housing in Backworth regarding noise and burning of waste from this site.
150. The evidence<sup>31</sup> points to the need to avoid housing in close proximity to these premises but I do not consider that it effectively sterilises the entire site from accommodating the relatively modest amount of housing proposed. Looking at the wider site I am not persuaded that a subservient element of housing as part of a wider mix of uses could not be satisfactorily accommodated on the large 8.5ha site. The Council suggested that intervening uses could be successfully used including landscaping and/or compatible employment uses<sup>32</sup>. Policies in the Plan, including the modification to Policy S2.2 (MM476) recognise the employment role on mixed-use sites. I was also advised that no environmental health objection has been received to the principle of a mixed-use approach on the site as part of this Local Plan.
151. The Plan provides additional indicative mapping for selected sites to guide future delivery and it is a moot point as to whether this site could also benefit from further specificity in the Plan. At a fundamental level, however, I find the Plan, when taken as a whole, would provide a sufficiently clear policy framework to test what will or will not be permitted at this opportunity site, comparable to other proposed mixed-used sites in the Plan. There are already a number of known parameters, including protected trees and existing and neighbouring land uses but I do not consider that the extent of the site should be reduced given other policies in the Plan, including DM5.9 on trees and DM6.1 on design more generally, would address these factors. The extent of the site allocated and the policy framework to enable a modest amount of residential development would provide appropriate flexibility to find a pragmatic and viable solution to this long-standing opportunity site.

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<sup>31</sup> Including appeal decision APP/W4515/W/15/3137995

<sup>32</sup> See paragraphs 15.2.2-15.2.3 of EX/HS/15/2

152. I am satisfied that parts of the site have the potential to contribute to meeting the identified housing need at what is a sustainable location close to facilities in Backworth and Northumberland Park. There is also no persuasive evidence to contradict the ELR findings that there is sufficient employment land in the right locations to meet future needs. Accordingly, it would not be justified or effective to retain Site 29 for just employment uses and the proposed mixed use allocation is therefore sound.

#### *Additional Submitted Sites*

153. A number of additional housing sites have been presented and many of them are identified through the SHLAA as "other SHLAA sites". There is no need for additional housing land to be positively allocated through the Plan for a deliverable five year supply or a developable supply over the medium-long term of the plan period. That does not represent a cap on development or preclude the positive consideration of "other SHLAA sites" as part of the flexibility of Plan at Policy DM4.5 and additional Policy S4.2a (MM456) subject to relevant local and national planning policy requirements.

#### **Issue 5 – Whether the approach to employment is positively prepared, justified, effective and consistent with national policy.**

154. My consideration of OAN has considered the issue of future jobs in the context of housing need and that a medium jobs growth scenario (SENS3) would necessitate a modest adjustment to the demographic OAN. Given the alignment between the housing forecast and the Employment Land Review I am satisfied that there is no over-arching disparity between the housing requirement and the Plan's approach to employment generating uses.

#### *Is the forecast jobs growth reasonable?*

155. Employment forecasts have been modelled in the Local Enterprise Partnership's Strategic Economic Plan (SEP) applying a Cambridge Econometrics model. The SEP regional baseline is for 40,000 jobs over the period 2014-2024 with an additional 60,000 jobs through policy interventions, of which 9.5% of this regional job growth is apportioned to North Tyneside. This apportionment reflects baseline jobs growth in the Borough together with a reflection of those sectors identified for growth in the SEP and strategic regional opportunities (the EZ).

156. The ELR forecasts future jobs based on a blend of labour demand forecasts and targets adopted by the LEP within the context of evidence on historic market take-up. Five scenarios based on demand forecasts have been scrutinised. There have been significant variations in jobs growth in the Borough. Long term analysis points to a baseline growth of 380 jobs per annum. The more recent average jobs growth has been at 690 per annum from ABI/BRES data. The latest APS data indicates that jobs growth may have been around 1400 jobs per annum in the period 2012-14.<sup>33</sup>

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<sup>33</sup> (NT05/3/1 page 35).

157. Of the five ELR scenarios, I find the low scenario (the baseline 380 jobs per annum) to be too pessimistic. It would fail to reflect the uplift envisioned by the SEP which is being now underpinned by a variety of LEP endorsed actions. Conversely, I find the medium + and higher scenarios too aspirational and divergent from trends at a time when the effectiveness of 2014 SEP remains to be fully monitored and appraised. The recent success of business park sites such as Cobalt and Quorum may indicate that a more bullish outlook could be justified but in my opinion it lacks robustness for a short term period susceptible to one-off events.
158. It is important, however, that Local Plans are integrated with employment strategies and take full account of economic signals, including cooperating with adjoining authorities and LEPs<sup>34</sup>. This evidence points to the tempered medium jobs growth forecast of approximately 700 jobs per annum. It would be an aspirational but realistic figure consistent with national policy.
159. The 700 jobs figure is measured against past trends and reflects economic cycles. It is an appropriate blend of the interventionist approach contained in the SEP to 2024 and then an assumed reversion to baseline jobs growth. Whilst the average rate of jobs of 707 per annum is almost double the baseline jobs growth of 380, it nonetheless aligns closely with available trend data of recent strong workplace job growth (690 – ABI and BRES data 2003-2013).
160. In considering the medium growth scenario figure of 700 jobs there is nothing to dissuade me that the successful business park developments in the Borough at Cobalt and Quorum will not extend to full occupation during the Plan period. It is also reasonable to factor in the proximity of Newcastle International Airport, the recent second Tyne Tunnel on the A19 and the EZ status at Swans and the Port of Tyne on the River Tyne North Bank. These all point to buoyant employment generating growth in the Borough consistent with the SEP analysis and investment to support the jobs growth.

*Does the plan make sufficient land available to meet the jobs?*

161. The ELR considers the period to 2032 and is consistent with NPPF and PPG requirements. It is reasonably based on the administrative boundary and has involved dialogue with stakeholders, including the LEP and adjoining authorities under the wider umbrella of the DtC.
162. There is agreement that there are number of key locations for the economic growth of the wider area located in North Tyneside. These include the business parks on the A19 economic corridor; Quorum & Balliol Business Parks; Weetslade (Indigo Park) and the River Tyne corridor. I see no substantive evidence of over-provision of employment land or over-estimation of job creation including the respective EZs at Blyth Estuary and River Tyne North Bank. The DtC evidence also demonstrates that the Plan as submitted forms part of a consistent cross-boundary approach to the North Bank of the Tyne EZ with NeCC. Taking all of this together, I am satisfied that the Plan is not making any kind of unilateral provision for jobs growth to compensate NeCC's sound spatial strategy which took the lower range on future jobs.

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<sup>34</sup> NPPF, paragraphs 158 and 160

163. The ELR provides a quantitative and qualitative analysis to justify the overall employment land requirement. The quantitative assessment includes a thorough assessment of existing supply sifting 350 potential employment sites and considers 98 sites in more detail. The process has also involved consideration of market signals and engagement with the local commercial property sector. Overall, the ELR has made a sound assessment of employment land suitability and the retained sites form part of a diverse portfolio that accords with paragraph 22 of the NPPF.
164. The 150 hectares (ha) of employment land and the 30ha of reserve land would align to the SEP objectives and would provide a flexible and attractive range of employment land taking account of growth sectors identified for North Tyneside in the SEP<sup>35</sup> such as advanced manufacturing (including in the EZ) where opportunities are strong and LEP funding available. It also realistically takes account of a projected contraction in traditional manufacturing reflecting factors such as increasing automation. The supply identified from the ELR broadly accords with historical market take-up averaging at around 10ha per annum between 1999 and 2013<sup>36</sup>. I note from the ELR that the amount of employment land may be moderately above the jobs growth estimate but this would represent prudent headroom that would accord with the requirement for flexibility advocated at paragraph 21 of the NPPF.
165. Within the 150 ha there are four major sites proposed (Weetslade, Balliol, Killingworth Moor and Esso (Port of Tyne)) which would provide between them 92 ha. Elsewhere, 16 moderate and smaller sites would add to the diversity of land provision. Overall, I am confident that this represents an appropriate quantum of land to sustain the forecast jobs growth. Looking at the ELR<sup>37</sup>, even if jobs growth is higher than the medium scenario, the scale and diverse portfolio of the 150ha land available in the Plan would not inhibit demand. Accordingly, the plan does not present a barrier to economic growth and can flexibly respond to unanticipated needs.

### *Economic Growth Strategy*

166. The economic growth strategy at Policy S2.1 provides an appropriate spatial response to deliver the forecast jobs growth. In order to ensure Policy S2.1 would be fully effective and justified it is necessary to clarify the value and significance of the historic environment to the town centre and tourism economies together with references to the fact that the River Tyne North Bank area and the A19 Economic Corridor are identified on the Policies Map. Accordingly, **MM77** is recommended.
167. Various factual updates are needed to Policies S2.2 and DM2.4 and supporting text to reflect the latest monitoring position and site specific details since submission. As such **MM95**, **MM97**, **MM107** and **MM453** are necessary. It is also important that the Plan recognises that there are mixed-used sites in the

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<sup>35</sup> Advanced and marine engineering, business services (big data), creative industries, low carbon and renewables, tourism and logistics.

<sup>36</sup> ELR Table 10

<sup>37</sup> Paragraph 6.2.1 Page 56 Core Document NT05/3/1

Plan which may also play a positive role in providing additional employment floorspace where that would be compatible with other uses. Therefore **MM476** is necessary for the Plan to be effective.

*Provision of Land for Employment Generating Uses*

168. There is little evidence that the sites in Policy S2.2 would have no reasonable prospect of delivery during the plan period, as tested through the ELR. On this basis, no additional employment land is required and the exceptional circumstances for releasing Green Belt land for employment do not exist.
169. Concern has been expressed regarding the cumulative impact of employment land releases at Balliol and Gosforth Business Parks and Weetslade given their relative proximity to Gosforth Nature Reserve and Gosforth Lake SSSI, which are in the neighbouring NeCC administrative area. I am satisfied the employment sites have been appropriately appraised, including through SA. There is also clear evidence that the Council has co-operated with NeCC on cross-boundary biodiversity issues. Additionally, there is no objection from Natural England concerning the SSSI. The plan contains indicative details maps for Weetslade, Gosforth Business Park and Balliol all of which show appreciable green buffers, including those advocated in the Weetslade SPD. These would provide undeveloped connections, consistent with the Green Infrastructure Strategy, in addition to the retained, sizeable Green Belt gap between Wideopen and Weetslade. Consequently, I am satisfied that the Plan's employment proposals at these locations would not harmfully effect the biodiversity objectives for Gosforth Nature Reserve, Gosforth Lake SSSI and Weetslade Country Park.
170. Concern has been expressed about the extent of the land releases at Balliol Business Park (approximately 25ha). The site adjoins housing at Greenhaugh but the Plan proposes at Map 5 a significant green buffer reflecting the extent of the Site of Local Conservation Interest. Accordingly, the site would not result in any unacceptable harm to residential amenity or biodiversity. It has also been demonstrated that the site is developable in terms of flood risk and highways. The site is therefore justified and would make an effective and appropriate contribution to the economic growth strategy.
171. The retention of employment land and a modest allocation of 0.74 ha at the Swales Industrial Site (Site E044) is questioned given the ELR notes the site could potentially be developed for other uses. I accept that parts of the site are in a moribund condition but the majority of the site appears to still function for employment uses or offer the potential for employment land uses. I am not persuaded that there is an absence of demand for employment uses at the site such that paragraph 22 of the NPPF applies. Accordingly, the Plan would be justified and effective in seeking employment uses at the Swales site. Any alternative proposal on all or part of the site would need to be considered in the context of Policy DM2.3.
172. The Port of Tyne has an important employment role in the Borough, directly as an employer and land-holder of significant areas of employment land along the Tyne Corridor and indirectly from the port supporting other jobs in logistics, services and tourism sectors. The economic growth strategy at Policy S2.1 appropriately recognises this and this is drawn out further in supporting text.

Policies S2.2 and AS2.5 identify land within the Port of Tyne's holdings for employment generating uses including the North Bank of the Tyne EZ.

173. A statement of common ground between the Council and the Port of Tyne was submitted during the examination<sup>38</sup> recognising the degree to which the Plan supports the role and prominence of the Port to the regional economy. In my view, the Plan is sufficient on this aspect and does not warrant any further specific policy content relating to the Port. Map 7 needs to be corrected to show that a potential second point of access to employment site E050 would be available off Hayhole Road. **MM101** is therefore necessary.
174. In addition to the 150 ha of allocated employment land, Policy S2.2 also reserves a further 30 ha of land with the curtilages of existing businesses to enable expansion. As submitted the Plan policy specifically earmarks reserve land for the expansion of the host business. This is not justified, given some employers have signalled that through consolidation they no longer need the land. Accordingly, I recommend the specific amendment to criterion b in Policy S2.2 in **MM97** for soundness which would introduce the flexibility of accommodating other business uses on surplus reserve land.
175. It has been suggested that the identified reserve land could, in some instances, be re-allocated for alternative uses where businesses no longer need the land to expand. From my observations the reserve land is well-related to the host business and more often than not to other adjoining businesses. On the whole I am not persuaded, based on the evidence before me, that such sites can be developed for uses other than employment. In any event the principle of alternative uses is not discounted on these employment sites subject to criteria in Policy DM2.3.
176. Policy DM2.3 as submitted lacks clarity and potential flexibility in that the loss of employment land and premises would invariably result in some degree of harm to economic development. Accordingly, there is concern that the policy could be applied in a draconian manner to inhibit alternative uses. **MM105** to the policy and **MM106** to supporting text make the policy and its interpretation effective and consistent with national policy and I recommend them both. More broadly, I am satisfied that Policy DM2.3 provides sufficient flexibility for appropriate ancillary uses on employment sites and no further specificity in this regard would be needed.

**Issue 6 – Whether the approach to Green Belt is soundly-based, including whether or not exceptional circumstances exist to justify revisions to Green Belt boundary.**

*Green Belt - overview*

177. As described elsewhere, the character of the Borough is essentially twofold comprising of a band of open countryside to the north and elsewhere the main urban area. Aside from country parks and public open spaces within the main urban area, there is only a very minimal quantum of open countryside in North Tyneside which is not Green Belt. This reinforces the long held purpose of

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<sup>38</sup> EX/NTC/38

Green Belt in North Tyneside, in particular safeguarding the countryside from encroachment and checking the sprawl of Tyneside, including preventing the merging of settlement in North Tyneside with that in Cramlington and Blyth.

178. I have been referred to salient sections of the 2002 UDP Inspector's report<sup>39</sup> which established the current Green Belt boundaries. From my various site visits I have found that the UDP Inspector's site specific conclusions on the Green Belt still hold, although I have re-examined a number of specific boundary issues which have been raised through the examination.
179. The Council has undertaken a review of Green Belt boundaries to consider whether or not there is potential for change, including additional safeguarded land. The Green Belt Review, which accompanied the pre-submission consultation, provides a robust local application of relevant policy content in the NPPF, notably at paragraph 85, and more generally at paragraphs 79 and 80. Overall, I endorse the Stage 1 findings of the Green Belt Review<sup>40</sup>, which reaffirm that development needs and land supply are such that there would not be the exceptional circumstances that would require a change to the boundaries of the existing Green Belt.
180. I am also satisfied that the outputs of the Green Belt Review are consistent with processes and findings from adjoining Green Belt reviews. As set out elsewhere in this report, there may well be advantages in contemplating whether future development plan preparation should be underpinned by a strategic review of Green Belt across the north of the Tyne. As it stands, however, I see no soundness deficiency in the Green Belt Review informing the preparation of this plan.
181. The role and purpose of the Green Belt in North Tyneside is articulated at Policy S1.5. It is a clear continuation of saved Policy E20 from the UDP, consistent with the long held approach to Green Belt through previous plans including the rescinded RSS. Policy S1.5 is consistent with national policy and would be justified and effective.
182. Policy DM1.6 applies paragraph 81 of the NPPF by providing a development management policy for positive uses in the Green Belt, particularly in terms as a resource for public access and biodiversity. As submitted the policy is inconsistent with national policy in terms of referencing "appropriate development". **MM59** would address this as well as provide additional clarification to the wording and as such is necessary for soundness. Similarly the supporting text to Green Belt policy in the Plan at paragraphs 4.27-4.29 requires clarification in the interests of effectiveness and amendments to conform to the NPPF, notably with paragraph 89. Accordingly, **MM60**, **MM61** and **MM62** are necessary. Following consultation on the proposed main modifications I have amended MM61 to expand Paragraph 4.28 to reflect that to deliver a sustainable development strategy in North Tyneside will require a strategic transport route, partly in Green Belt. The justification for the route is evidenced and in principle it would be the local transport infrastructure envisaged at paragraph 90 of the NPPF.

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<sup>39</sup> Examination Document EX/NTC/41

<sup>40</sup> Especially paragraphs 5.17-5.20

183. The Green Belt Review work has also examined whether or not there are site specific matters which would equate to exceptional circumstances to justify amending Green Belt boundaries. Some 57 parcels of land which comprise the Green Belt have been subjected to a methodology which is consistent with the NPPF. The outcome is that some 16 parcels are identified as having the potential for change and subject to further analysis. I agree that there are not any exceptional circumstances to justify changing Green Belt boundaries. As such, even where the Council's assessment identifies there is a potential for change, matters are not finely balanced. There remains, in principle, a need to clearly find that the existing Green Belt boundary should be changed because the land does not contribute to the purposes of Green Belt.

*Green belt between Shiremoor and Earsdon/Wellfield*

184. The Green Belt largely wraps around the settlement of Earsdon extending over the A186 and south to the Metro line and providing an open gap between the eastern edge of Shiremoor, western edge of Wellfield and the pronounced form of settlement on the knoll at Earsdon. This area of land has been thoroughly assessed as part of the Green Belt Review<sup>41</sup> including consideration of the effects on character from the development of the strategic site south of the metro line at Murton.

185. I accept that as a consequence of this Plan, these parcels of Green Belt land will be largely surrounded by non-Green Belt uses. However, this would not undermine the function of the Green Belt at this location as a permanently open area which checks the unrestricted sprawl of the main urban area, safeguards countryside from encroachment and prevents settlements merging into one another. I note the land functions, in part, in providing a role for peri-urban activities such as car boot sales, but from my observations it remains an open, sizeable, verdant area which serves to clearly separate communities. There are no strategic exceptional circumstances to release this land, including for safeguarding, and there are no local, site specific reasons given the clear contribution it makes to the role of the Green Belt.

186. I am satisfied that the link road from the A186 and potential Metro station at Murton would be local transport infrastructure which can demonstrate a requirement for a Green Belt location in accordance with the NPPF at paragraph 90. Precise details of the route of the link road and how it will cross the Metro line remain to be determined although I have noted the preliminary assessments prefer a bridge over scenario. From the indicative alignment in the Plan that part of the road in Green Belt would pass reasonably close to the boundary with the housing and schools at South Wellfield. It would not sever the wider expanse of open fields and Green Belt land south of the A186 would remain characteristically open. The same would apply to any metro station and ancillary facilities positioned at the margins of Green Belt at this location.

187. I note that the UDP Inspector made the reference that the A186 could also be the Green Belt boundary at this location and that this observation was made

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<sup>41</sup> Document NT08/1, parcels 841, 842, 843, 844, 845 & 846.

prior to the proposed link road and potential metro station. As set out above, I find there are no strategic or site specific exceptional circumstances for what would be an extensive Green Belt land release. I am also satisfied that the Green Belt at this location would valuably correlate with the proposed green spine through the Murton Strategic Site to the south and thus provide a contiguous and meaningful open corridor from the main urban area.

*Green Belt in the North West Villages – general*

188. Various submissions have been made seeking amendments to the Green Belt boundary at various points around the North West villages. The local factors that have led to the identification of the North West villages as an area specific strategy do not equate to the exceptional circumstances to justify an alteration to the Green Belt as set out in paragraphs 83 to 85 of the NPPF.

189. In the North West villages Green Belt appropriately serves to prevent the former mining communities merging into one another, safeguards countryside from encroachment and importantly assists in urban regeneration by focusing efforts on the re-use of derelict and other urban land, including sites positively allocated in the Plan. I am not persuaded that Green Belt land releases in this part of the Borough would result in a more sustainable development pattern or a revitalisation of these communities above and beyond that already provided for in the Plan.

*Green Belt at Dudley and Burradon*

190. The settlements of Dudley and Burradon are separated by a relatively narrow wedge of Green Belt which itself is dissected by the A189 dual carriageway. Generally the separation is no more than a couple of sizeable arable fields but it nonetheless of sufficient width to provide a functional open setting between the two communities. At a strategic level the Green Belt between Burradon and Dudley and the proposed employment site at Weetslade clearly fulfils the purposes of the Green Belt. I am therefore satisfied that, in principle, the Green Belt boundary should not be altered here to facilitate development, including safeguarding.

191. I observed that the sense of open separation is narrowed where the housing at Clarke's Terrace extends south from Dudley. I note the reference in the Green Belt Review<sup>42</sup> to a potential amendment here. Clarke's Terrace has a clear linear pattern following the road network. There is little depth to the development in contrast to the nucleated settlement form of Dudley to the north. It is not uncommon for Green Belt to wash over pockets of development nor is there a requirement for Green Belt boundaries to fastidiously exclude modest groupings of housing. The same applies here and it is not necessary to amend the Green Belt for plan soundness.

192. I accept that housing land supply is mixed in the North West villages such that in communities like Burradon supply is limited. Within the locality, however, the Plan provides for a range of deliverable and developable housing sites including small brownfield sites whose redevelopment would enhance the

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<sup>42</sup> Document NT08/1 paragraph 8.21

image of the area. There is also a sizeable permission under construction in Wideopen and a substantial residential allocation at nearby Dudley<sup>43</sup> (the joint fourth largest in the Plan). Green Belt has not inhibited suitable achievable housing land in the North West villages over the period to 2032. It therefore follows, as set out in the Council's Green Belt Review for parcel 823, that there are not the exceptional circumstances to amend the Green Belt at Burradon.

#### *Green Belt at Seaton Burn*

193. Green Belt extends around the north of Seaton Burn encompassing land between the village and the A1 to the west and the A19 to the north. Whilst this land is under-utilised it does not detract from the gateway to the Borough forming a characteristically peripheral swathe of open land, typical of Green Belt. It is not prominent from any of the adjoining roads and does not lend itself to being a high profile gateway commercial site despite the proximity of the improved A1/A19 interchange. Having considered the ELR<sup>44</sup> I see little compelling evidence of a pressing strategic need for commercial land releases at this Green Belt location. I also attach considerable significance to the fact that the Indigo Park site on the former Weetslade Colliery site, as the single largest employment site proposed in the Plan, is located only a short distance to the south-east of Seaton Burn. I therefore agree with the Green Belt Review findings for parcels 802 and 803 in that there is no basis to amend the Green Belt boundaries at this location as part of this Plan.

194. Elsewhere in Seaton Burn the Green Belt includes a sliver of amenity land to the west of Russell Square. A tarmac footpath separates this maintained grassland from the adjoining far-reaching patchwork of rough grazing and scrub extending to the south-east. The footpath is only a subtle feature meaning the amenity land is physically and perceptibly part of the wider openness and function of Green Belt in this part of the village and I therefore agree with the Green Belt Review assessment for Parcel 809.

#### *Green Belt at Backworth*

195. The Green Belt encompasses land to the east of the village of Backworth as part of a wider expanse of open countryside in the north-east of the Borough. There are, however, occasional pockets of development including a sizeable vehicle dismantlers' yard a short distance to the east of Backworth and land that once accommodated built development. These sporadic developments and adjoining parcels of land are separated from the identifiable nucleus of settlement by the strong physical feature of the railway line as well as intervening pockets of rough grassland and scrub. Accordingly, I find the original conclusion in the 2002 UDP did not erroneously include this area as Green Belt. The policies of the submitted Plan do not preclude development that would not be inappropriate, consistent with the NPPF, such that individual cases can be determined on their own merits. For the purposes of plan-making, however, the boundaries here are defensible and justified, as set out in the Green Belt Review's consideration of Parcel 835.

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<sup>43</sup> Site 3, Annitsford Farm – 400 dwellings.

<sup>44</sup> Site promoter refers to Section 3.4.4 of ELR re shortfall in manu & distribution space

### *Safeguarded Land*

196. Paragraph 85 of the NPPF refers to the possibility of identifying 'safeguarded land' between the urban areas and the Green Belt in order to meet longer-term development needs stretching well beyond the plan period. The aim of the NPPF is to ensure that Green Belt boundaries are not frequently changed which would undermine their status and essential characteristic of permanence.
197. The Plan period extends to 2032 and provides for a significant uplift in housing delivery and sustained economic growth. This can be accommodated whilst preserving existing Green Belt boundaries. As such the Plan appropriately maintains the important concept of permanence to the Green Belt. I was referred to the hiatus following the expiry of the UDP which has seen a number of recent appeals on safeguarded land. In my view, the 15 year timeframe of this plan and the increased emphasis on up-to-date Plans in national policy is tangibly different to the UDP and militates against the need to amend Green Belt boundaries in this Plan to provide more safeguarded land.
198. The SHLAA has cautiously withheld many potentially developable sites until further certainty can be established on their development timeframe. The total capacity of these "other SHLAA sites" has an indicative identified yield of approximately 2,800 homes to 2032 (Document EX/NTC/6). As such these sites could usefully serve as an additional buffer to the identified supply over the plan period as their circumstances change. Some of these sites may well have a long-term role as part of a future review of the Plan. This evidence demonstrates flexibility in housing land supply and further diminishes the need for additional safeguarded land at this time.
199. It would be for a future assessment of need and associated consideration of the most appropriate locations for development through a Local Plan review to determine whether further land should be removed from the slender Green Belt in North Tyneside. I am concerned that safeguarding land now would have an adversely premature influence on the future pattern of development. I am therefore satisfied that there are no issues of soundness because the Plan does not propose additional safeguarded land at this early point in the overall plan period.
200. The plan continues to identify a modicum of safeguarded land in three locations to which Policies S1.7 and DM1.8 apply. These have been assessed through the SHLAA process and due to various site specific issues are not considered to have sufficient certainty to be considered suitable and achievable and therefore advanced to allocation in this Plan. I observed that all of the three retained safeguarded sites have a good relationship to the settlement pattern and are clearly distinguishable in character, representing marginal sites between the main urban area and Green Belt. In applying the stepped housing trajectory the Council can demonstrate a deliverable five year supply of housing land and a longer term developable supply. Accordingly, there is no immediately pressing need to release additional safeguarded land to meet housing needs and thus make the plan sound.
201. I have, however, accepted elsewhere that the supply of land is tight and as such if monitoring demonstrates a shortfall an additional policy is proposed

(MM456) as part of a wider corrective plan-led approach to ensuring a sufficient quantity of land is deliverable to meet the housing need. The NPPF is clear at paragraph 85 that the permanent development of safeguarded land should only be granted following a Local Plan review. In instigating the measures identified in the new policy proposed at MM456 the consideration of remaining areas of safeguarded land should be prioritised as part of any partial review of the Plan.

202. The plan as submitted provides an appropriate approach to remaining safeguarded land although the introductory text to Policy S1.7 requires amendment in order to be consistent with national policy at paragraph 85 of the NPPF and as such **MM63** and **MM64** would be necessary for soundness. I have amended MM64 slightly so that the wording more accurately reflects the NPPF. Similarly **MM68** is also necessary for consistency with national policy and new policy S4.2a to clarify that the role of the safeguarded land in this Plan should be considered through a formal plan review.

**Issue 7 – Whether the approach towards Town Centres and retail is positively prepared, justified, effective and consistent with national policy.**

203. Section 6 of the Plan provides a strategy and policy framework which puts the Borough's four town centres first in terms of ensuring their realistic vitality and viability as competitive places to accommodate a range of uses to serve their communities. The Plan also addresses the evidence of a weakening offer in Wallsend and North Shields town centres by providing further detailed policy response through the respective Area Specific Strategies. Consequently, the Plan's over-arching approach to the Borough's town centres is justified.

204. In terms of retail and commercial leisure needs North Tyneside is clearly within the sphere of the higher order offer provided in Newcastle. Data behind the Retail and Leisure Study clearly shows the extent of the trade draw for non-food shopping and commercial leisure into the City. The JCS for Newcastle and Gateshead plans for significant additional retail sales area floorspace and would / will thus reinforce existing patterns of spend. Given this dynamic, which is recognised under the DtC, I am satisfied that the Plan applies realistic assumptions (through sensitivity testing in the Retail Study) that any claw-back through a more positive strategy would be only very modest at best.

205. The Plan's requirements for additional retail floorspace are realistic including muted forecast expenditure growth combined with growth in on-line, mail order and click-and-collect formats and increased turnover efficiencies of retail operators. They also take appropriate account of evidence of over-trading in convenience retailing and existing commitments for retail floorspace in the Borough. Taking all this together I am satisfied that the Plan's very modest net requirements for an additional 15,249sqm of comparison and 6,378sqm of convenience floorspace are fully justified.

206. Policy S3.1 sets the priority for competitive centres in the Borough and is consistent with national policy at paragraph 23 of the NPPF. The reference to "appropriate residential and mixed-used schemes" is a reasonably worded recognition of the role housing can contribute to the overall vitality and viability of centres. No amendments are required to the references to residential development forming part of the mix of uses in town centres in

Policies S3.1 and DM3.5. Policy S3.1, however, requires a slight wording change to criterion (b) to provide the necessary level of protection to the significance of heritage assets. On this basis **MM118** is necessary for soundness.

207. The Retail and Leisure Study outputs of future floorspace requirements are presented in five year tranches for the plan period in Policy S3.3. This approach potentially lacks flexibility given the projected rates are increasingly indicative over time and in any event the situation has been surpassed with the grant of planning permission for 10,160sqm net of retail floorspace at Northumberland Park<sup>45</sup>. Accordingly, Policy S3.3 need only set out the overall floorspace requirements over the plan period. The detailed tranche breakdown should be inserted into accompanying Table 2 and various amendments should be made in supporting text to reflect the updated situation at Northumberland Park. Accordingly **MM126**, **MM131**, **MM133** and **MM134** are necessary for the Plan to be justified and effective.
208. Northumberland Park is appropriately identified as a District Centre. It is situated centrally within the Borough with good proximity to both the proposed strategic housing sites and with good connections from the Borough's town centres via the metro, A19 and A186. It remains appropriate for the Plan to continue to reflect the opportunity at Northumberland Park to sequentially provide for retail operators requiring larger formats that cannot be satisfactorily or readily be accommodated either in or on the edge of the four town centres. This particular role, however, should not be diluted by any references to allow for specific ancillary or subservient scale retailing. Overall, the approach to Northumberland Park, as submitted, comprises part of a sound network and hierarchy of centres in Policy S3.2 that would be resilient to anticipated future economic changes.
209. Consistent with the town centre first approach in the NPPF, the Plan sets out at Policy DM3.4 how main town centre uses will be assessed including the sequential test and then the requirements for impact assessments. The wording of the sequential test in the policy needs a small refinement to clarify that it would be a progressive assessment looking at each alternative location in turn. Additionally, the policy needs an amendment to explain that the lower thresholds for the impact assessment apply only to retail proposals as justified by the Retail and Leisure Study<sup>46</sup>. Along similar lines, the supporting text at paragraph 6.34 should be amended to affirm that the default threshold for office and leisure impact assessments would be 2,500sqm. Accordingly **MM138** and **MM139** would be necessary for the Plan to be justified, effective and consistent with national policy.
210. As required the Plan sets out primary shopping areas (PSAs) for the four town centres and where appropriate identifies primary and secondary shopping frontages. The submitted approach has attracted very little comment and from my observations of each of the town centres, having regard to their respective visions<sup>47</sup>, I am satisfied that the delineation of PSAs and frontages

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<sup>45</sup> Permission 15/01146/OUT for 1400sqm convenience and 8760sqm comparison

<sup>46</sup> Core Document NT06/1, paragraph 8.21

<sup>47</sup> Core Document NT06/2, paragraphs 1.16-1.19

are robust and accord with the latest evidence in the Council's November 2015 assessment. **MM478** to Policy S3.5 is necessary for effectiveness to clarify that the PSAs are shown on the Policies Map.

**Issue 8 – Whether the approach to the natural and historic environments and design is effective, appropriate to the area and consistent with national policy.**

*Natural Environment*

211. The benefits of increased jobs and housing in respective economic and social terms can only be considered sustainable if there are simultaneous environmental gains. The NPPF at paragraph 9 affirms that pursuing sustainable development involves seeking positive improvements in, amongst other things, the quality of the natural environment.
212. In North Tyneside, the spatial options for accommodating the objective development needs are limited but the submitted plan avoids Green Belt and retains a number of sizeable natural green spaces within the built fabric of the main urban area. It is notable that the growth proposals in the Plan generally avoid sites of particular biodiversity value. The Plan also puts into place a number of policies and proposals which seek to protect and enhance the natural environment. This informed by a comprehensive evidence base including the Green Infrastructure Strategy 2015, the Green Space Strategy 2015 and Newcastle and North Tyneside Biodiversity Action Plan 2010.
213. The Plan seeks to protect, enhance, extend and create green infrastructure across the Borough and various site specific proposals, particularly the strategic sites, would make positive contribution to the network of green infrastructure in the Borough. In terms of development management, Policy DM5.2 requires some clarity regarding uses ancillary to green infrastructure the application of the exceptional circumstances. **MM247** provides this and is therefore recommended.
214. In terms of policy in relation to biodiversity and geodiversity in the Borough, **MM459** would be necessary to acknowledge the Marine Conservation Zone around St. Mary's Island. Policy DM5.5 as submitted needs amending for effectiveness and **MM254** amends criteria e. and f. to be consistent with national policy on SSSIs. The policy also refers to wildlife site buffer zones as identified in the Green Infrastructure Strategy. **MM253** makes the supporting text clearer in terms of the implementation of this part of the policy and is therefore necessary for soundness.
215. The Plan area encompasses parts of the Northumbria Coast SPA and Ramsar Site and is within 6km of the Durham Coast SAC. These are part of a patchwork of 15 European Sites (Natura 2000 Sites) within or around North Tyneside which have been considered through a required HRA in terms of whether the policies and proposals of the Plan are likely to have significant effects on the integrity of these sites. In summary, the appropriate assessment has identified the principal adverse effect would be disturbance of bird species and physical damage to habitats from recreational pressure from the local catchment population and other visitors.

216. The HRA advises that the adverse impact can be mitigated through ways to off-set recreational pressure through a combination of measures identified in Policy DM5.6 including the provision of Suitable Alternative Natural Green Spaces (SANGS). During the examination I was made aware of Natural England's Site Improvement Plan for the Northumberland Coast<sup>48</sup>, the Council's draft guidelines for SANGS and the Council's warden programme. This has provided reassurance that the identified mitigation would be capable of implementation.
217. Modifications have been made elsewhere in relation to the site at Murton in terms of provision of SANGS and a cross-reference to DM5.6 (see MM181 and MM182). The Plan HRA at paragraphs 5.3.5 to 5.3.8 explains SANGS and additional detail is in the Council's draft guidelines. I see no need to modify the Plan further with detail on SANGS given the development will derive its own effective SANGS approach to accord with Policy DM5.6. At the Plan level I am satisfied that the Murton proposal, with mitigation, would have no adverse impact on the qualifying features of European sites within 6km.
218. To be effective the specific wording of Policy DM5.6 needs some tightening to reflect national policy and European legislation as presented in **MM255**. I have amended the wording slightly to reflect Natural England's comments. The submitted policy also includes a reference to wildlife site buffer zones from the Green Infrastructure Strategy which is not helpful given the HRA has identified wider buffers from the European sites within which a significant effect is likely. The reference to wildlife buffer zones should be removed as set out in **MM255**. Additionally, **MM460** necessarily clarifies the supporting text and direct users of the Plan to the Council's guidelines for SANGS. I appreciate this is an emerging document and further work will finalise the guidance to SANGS at project level in North Tyneside. That in itself does not make the Plan unsound, given the in-principle requirement at Plan level, for SANGS<sup>49</sup>.

### *Local Green Space*

#### *Killingworth Open Break*

219. The Plan seeks to effectively continue the UDP "Open Break" designation on open land between the historic Killingworth village and the built-up areas of West Moor, Forest Hall and Palmersville by way of a Local Green Space designation. There is local support for this approach in Policy AS1.9 countered by submissions that part of the site now better relates to the adjoining Killingworth Moor strategic site such that the benefits of a wider housing site would outweigh any harm to the open character or setting of the Killingworth Conservation Area (KCA).
220. The Council has undertaken a thorough assessment<sup>50</sup> of the proposed Local Green Space applying criteria at paragraphs 76 and 77 of the NPPF. It is clear from the evidence and my own observations that the accessible land to the

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<sup>48</sup> Including the Coast SPA, as well as other International Sites.

<sup>49</sup> An approach endorsed by Natural England on Plan submission in correspondence dated 22 February 2016 in NT03/4/2).

<sup>50</sup> NT08/3

west of the B1317 Killingworth Lane with its verdant, tranquil character fulfils the Local Green Space criteria.

221. With regards to the open farmland on the east, matters are more balanced. Despite the lack of direct public access, this land comprises an open (green) space which can be readily experienced from within Killingworth Lane and the public Stephenson Trail to the east. There is no prerequisite for Local Green Space to be publicly accessible.
222. Additionally, the rising form of the land is particularly pronounced here such that the historical context of Killingworth village as a ridge settlement remains to be appreciated. It also provides an open context for the adjacent historic early colliery site. There is an overlap between part of the KCA and the Local Green Space designation. The wider open setting of the KCA from the valley of the leech is of historic significance in understanding the rural setting to a surviving form of historic settlement pattern which is scarce in the Borough. This would be harmfully eroded by encroaching development. The harm to the setting of the KCA would be less than substantial in the terms found at paragraphs 132 and 134 of the NPPF. However, I am not persuaded that there is any clear or convincing justification for development at a location that would result in harm to the KCA including its setting, the historical significance of which validates the Local Green Space designation at this location.
223. The area adjoins communities in Killingworth and Forest Hall. There is a clear level of support, as articulated at the examination hearings, which indicates that the openness of the area is valued by the local community. I do not consider the scale of the designation to be out of kilter with the NPPF's requirement to avoid extensive tracts of land. Accordingly, pulling all of this together, the Killingworth Open Break Local Green Space designation here is justified and is therefore sound.

### *Benton Triangle*

224. This is a small area of land situated at the rear of housing on Midhurst Road and bounded by the metro line to the south and the ECML to the east. A small part of the site comprises an area of track-bed for former metro sidings. The majority of the site was formerly allotment land of which there are few remnants the site being largely colonised by scrub and trees, with rough grassland elsewhere.
225. The submitted Plan identifies all the land apart from the previously-developed former track-bed of the north-west curve as open space under Policy DM5.3. The wording of the policy refers to "accessible green space" but this is disputed at this site with any informal access being tolerated rather than permitted. At the time of my site visit there was nothing to stop access onto the site from the adjoining footpath and I find the proposed open space designation to be rational. From the evidence before me, including the 'Metro and Local Rail Strategy' (2016) there is no reasonable prospect that the north-west curve would be reinstated. It would be unsound for the Plan to protect this alignment. Local residents, however, consider the site merits Local Green Space status in accordance with paragraphs 76 and 77 of the NPPF.
226. The site can only be accessed from a discreet footpath which connects from Station Road to the unmade byway between Westcroft Road and Granville

Crescent. The site is not well-connected to surrounding communities, either perceptually or physically, contrary to the first bullet point in paragraph 77.

227. I noted there is little evidence that the site is informally used for recreation with the former allotment use having been long abandoned. The site does have some biodiversity value, consistent with its identification as part of a wildlife corridor, but looking at the evidence of local, unverified observations, I am not persuaded there is a particular richness of wildlife. Nor is there evidence of any notable historic significance. Whilst I have an appreciable number of submissions from the local community seeking to preserve the openness of the site I am of the view that the site does not meet the second bullet point in paragraph 77 of the NPPF.
228. Whilst the triangle is not an extensive tract of land and forms part of a local character of largely undeveloped areas within the railway alignments, the construct of paragraph 77 is that all 3 criteria have to be met. Accordingly, I share the Council's more in-depth analysis that the triangle does not merit a Local Green Space designation.
229. The Council's SHLAA has assessed the site as being theoretically developable as part of the "other SHLAA site" category. In my view, a balance exists that would enable some development on the site, focussed on the former track-bed, in combination with the retention of a meaningful open area for biodiversity and public access. On the evidence before me the policy designation as open space does not preclude this option given the debatable point of public access. That is not a signal that a substantial development would be acceptable. Any balanced scheme would need to be considered on its merits from the starting point that the site has a degree of biodiversity and amenity value in terms of its open character. I have little persuasive evidence that a satisfactory technical highways solution to accessing the site could not be achieved. Whilst the proximity of public open space at Benton Quarry Park, Springfield Park and Longbenton cemetery means that this triangle is not a solitary green lung in this part of Benton, the open space designation in the submitted Plan is justified. In my view, it would provide an effective starting position to formulate a detailed, sustainable way forward for the long term future of this area.

### *Flood Risk*

230. The Plan is underpinned by a comprehensive Strategic Flood Risk Assessment (SFRA) which appropriately deals with flood risk from the coast, the tidal River Tyne and the various smaller watercourses within the interior of the Borough, including taking account of climate change over the longer term. Recent storm events have highlighted the risk from surface water flooding but this is specifically and thoroughly considered in the SFRA and Water Cycle Study. Separate SFRA's have been prepared for the two strategic sites which demonstrate that there are acceptable strategies for addressing the generally low levels of flood risk associated with these two sizeable greenfield locations. Elsewhere the SHLAA and ELR processes have all considered flood risk in terms of those sites allocated in the Plan. The SA considers both flood risk and water quality.
231. The submitted policies on flood risk in the Plan provide an effective policy framework, justified by the SFRA and Water Cycle Study evidence, such that

the Plan in general accords with Section 10 of the NPPF. In seeking contributions to flood reduction works, Policy DM5.13 needs to be amended so that the wording for contributions is consistent with the tests in the CIL legislation and national policy and **MM265** is necessary. Additionally Policy DM5.14 requires some flexibility on surface water run-off rates on previously-developed sites. Policy DM5.15 also needs to reflect Environment Agency advice that deep drainage structures would not be suitable given the area's mining heritage poses groundwater flooding issues. **MM266** and **MM267** address these points and are necessary for soundness.

### *Air Quality*

232. Concern has been expressed that the Plan does not address air quality and that this aspect of the environment would be unacceptably harmed by traffic generation associated with the Plan's proposals. The SA accompanying the Plan has considered air quality<sup>51</sup> including the European Air Quality Directive (2008) and other key documents. The baseline position is that air quality in North Tyneside is within national limits. The SA objectives recognise the potential effects of the Plan's policies and proposals on air quality. Air quality is also addressed in Policy DM5.19 in terms of managing pollution arising from development proposals. The performance of Policy DM5.19, including Air Quality Management Areas, is addressed in the Plan's Implementation and Monitoring Framework. I am satisfied the Plan is consistent with NPPF paragraphs 124 and 152 on this matter.

### *Minerals*

233. I am satisfied that at a regional level and under the DtC, including dialogue with the Coal Authority, the Plan reflects the wider picture of the supply and demand for minerals in the North East. The Plan's single policy on the issue at DM5.17 is a proportionate reflection of the relatively modest mineral role of the Borough as demonstrated through joint aggregate assessments in accordance with paragraph 163 of the NPPF.

234. Submissions have been made that the Plan does not provide sufficient policy content to deal with emerging minerals related hydrocarbon extraction activities such as oil and shale gas extraction (fracking) and underground coal gasification (UCG). There is very little evidence to demonstrate that the former is likely to be a significant issue or that there is a gap in national and local planning policy to consider the impacts of such developments.

235. I accept that UCG is a more likely prospect in an area with past deep coal mining activity. The PPG<sup>52</sup>, however, only encourages appropriate provision in plans where available data highlights those areas where proposals for hydrocarbon extraction may come forward. The PPG<sup>53</sup> also states that there is normally no need to create mineral safeguarding areas for hydrocarbon extraction. I am satisfied that the practicalities of UCG in North Tyneside would involve the pressurised process to extract the gas occurring in the

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<sup>51</sup> Section 4.6 of the SA Scoping Report (NT01/7); Environmental SA Objectives in Section 9 of Submitted SA June 2016 (NT01/6/1) (SA Objective 11)

<sup>52</sup> PPG Paragraph 105 Reference ID: 27-105-20140306

<sup>53</sup> PPG Paragraph 108 Reference ID: 27-108-20140306

former deep shafts off the coast such that in terms of landfall operations the activity would be quasi-industrial in character without the need for a specific Plan response or safeguarding. I consider the policy framework in the Plan, when taken as a whole, in conjunction with Section 13 of the NPPF and PPG, would provide a sufficient basis to consider UCG or hydrocarbon extraction proposals.

236. Policy DM5.17 as submitted on minerals is not sound in terms of consistency with national policy at paragraphs 142 and 143 of the NPPF. The policy lacks flexibility to reflect that the adverse impacts of mineral workings need to be balanced against the benefits. The Policy also requires detail on how proposals on safeguarded minerals infrastructure and locations would be assessed together with a cross reference that the Howdon Wharf facility is shown on the Policies Map. Finally, criterion f. requires a minor re-structuring for effectiveness. All of these necessary changes are embedded in **MM272** and are recommended in order for the Plan to be sound. **MM273** would also ensure necessary cross reference to the Policies Map. To support the effective implementation of DM5.17, **MM274** includes a necessary cross-reference to good practice on Minerals Assessments.

#### *Historic Environment*

237. Historic England made various suggestions to modify the proposed submitted Plan. Those modifications largely apply to various site specific policies and over-arching spatial strategy which I have considered elsewhere in this report. I am satisfied that Policies S6.5, DM6.6 and DM6.7 represent an important part of the Plan's positive strategy for the conservation and enjoyment of the historic environment of the Borough as required by the NPPF at paragraph 126. As submitted Policies DM6.6 and DM6.7 need some fine-tuning in order to be consistent with national policy as advised by Historic England. Whilst **MM288** and **MM290** do not substantively change the thrust of these policies they are nonetheless necessary for soundness.

#### *Design – General*

238. On the whole the Borough provides an attractive environment to live and work but it is evident that further regeneration and revitalisation is required in certain locations. The scale of planned development also presents a significant opportunity to secure high quality design consistent with reinforcing local distinctiveness and sense of place. Policy DM6.1 as submitted requires a cross reference to the role of design in responding to biodiversity and clarification that sufficient car parking is properly integrated into the layout. The reference to passive solar design has now been superseded by the Housing Standards Review and sustainable construction is now covered in the updated Building Regulations. **MM280** necessarily addresses these points and consequently I recommend it so that Policy DM6.1 is effective and consistent with national policy. **MM283** introduces a small but necessary modification to Policy DM6.2 to ensure that the setting of heritage assets are effectively addressed.

### **Issue 9 – whether the plan will support strong, vibrant and healthy communities consistent with national policy**

#### *Housing Standards*

239. The SHMA reveals that there are cohorts in the local population, including elderly, disabled, frail and those with limited mobility, which are projected to increase over the plan period. Adaptations to existing stock are likely to be part of the solution but it remains appropriate that the Plan considers the potential of new housebuilding to provide accessible, adaptable and decent sized housing to provide a good and dignified standard of living.
240. Policy DM4.9 seeks to introduce the optional technical standards on accessibility and adaptability<sup>54</sup> on a proportion of new housing developments and the nationally described space standard<sup>55</sup> (NDSS) on all new housing developments. As submitted the policy seeks 100% of market housing and 90% of affordable housing to meet Regulation M4(2) and 10% of affordable housing to meet Regulation M4(3)(2)(b).
241. The Plan content on housing standards has emerged relatively late in the Plan making stage but formed part of the pre-submission document for comment and the examination. The timing of the policy reflects the publication of the WMS in early 2015. The Council has presented evidence of need and viability which has also been available for scrutiny and the policy has been subject to SA.
242. Whilst I accept the points made that the evidence base could be enhanced, I am nonetheless satisfied that the Council has, in broad terms, met the evidential threshold to justify optional standards at the local level. I consider there is, however, validity to those submissions that the standards need to be amended in terms of proportions and lead-in times to ensure wider objectives of the strategy of the plan are not put at risk and to enable the market to respond over time to a level of standards not found in the UDP or in neighbouring authorities. There are also detailed issues with the policy as submitted regarding compliance with national policy. Accordingly, the submitted policy would not be sound.
243. Following additional viability work in January 2017, Policy DM4.9 was subject to main modifications. Having considered the detailed submissions on the proposed main modifications I find that the policy requires further amendments to make it sound and address, in part, the reasonable concerns of those responsible for housing delivery. I do not consider these amendments fundamentally change the policy or introduce a distinct new option that has not been considered through SA.
244. The addendum to the Area Wide Viability Assessment affirms in broad terms the viability of the optional standards, although some caution needs to be applied to increased revenue values given the effects may be more likely on land values given current affordability issues. In respect of the NDSS, I note that 2 and 3 bedroom houses, which are identified in the SHMA as forming a significant proportion of need, are currently being built, in some cases, smaller than the NDSS. Whilst I accept there is little evidence that customers of these smaller 2 and 3 bedroom homes are unsatisfied with the product that

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<sup>54</sup> Requirements M4(2) and M4(3) of Schedule 1 to the Building Regulations 2010

<sup>55</sup> Technical housing standards, nationally described space standard DCLG 2015

does not outweigh the Council's evidence<sup>56</sup> in support of improving the quality of the housing stock for all.

245. In my view timing on the introduction of the optional NDSS and accessibility standards is critical. The proposed main modification suggested 1 October 2018 (some 18 months post adoption of the Plan). I have considered whether this should be extended further in light of the lengthy submissions on this matter. I am satisfied, however, that the date of 1 October 2018 would be sufficient given the assertions at the examination about the strength of the housing market in North Tyneside. I accept some additional clarity is needed regarding implementation and I have inserted additional text at MM463 to ensure the standard is not to be applied retrospectively. This is important given a number of critical sites are advancing now on established land values and viabilities that pre-date the standards. I was assured at the examination that these sites would be in planning pipeline by October 2018 (and projected to start yielding in 2018/19).

246. I am also satisfied that the 1 October 2018 trigger point would also allow for appropriate consideration of what may stem from the Housing White Paper in terms of housing standards and the provision of specialist housing more generally. Whilst I have considered very carefully the development industry's concerns, I also consider it critical that the policy has the caveat "subject to site viability" which would allow for negotiated alternatives to the standards.

247. In relation to accessibility and wheelchair user housing the proposed modification reduced the proportion of market housing in light of updated viability evidence. I consider this reduction is justified but I am not persuaded that it should be reduced further given the Council's evidence of need and viability. Additionally, the transitional timeframe should allay industry concerns and provide ample time to ensure future schemes can deliver, dependent on what may arise from changes in national policy. In accordance with the PPG the Policy should be clear that it excludes low-rise non-lift serviced flats. Additionally, the affordable housing proportions should only relate to social/affordable rented properties where the local authority will allocate or nominate the persons living in those dwellings. I have amended the Policy in MM464 to reflect the PPG<sup>57</sup>.

248. I therefore recommend **MM464**, with additional amendments that I have made following the main modifications consultation, so that the Policy is sound. **MM463** and **MM231** are also necessary to bring the supporting text into line with the amended policy and updated evidence base for effective implementation.

#### *Hot Food Take-away Premises*

249. The SA<sup>58</sup> baseline for the Plan identifies that life expectancy varies significantly in the Borough and that levels of child and adult obesity are notable health issues. Consequently, there is a justification for the Plan supporting all

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<sup>56</sup> NT07/21 – notably Section 6

<sup>57</sup> PPG Reference ID: 56-009-20150327

<sup>58</sup> Paragraph 4.3.3, p18 CD NT01/7

residents to adopt healthier lifestyles while targeting action to reduce health inequalities. Opportunities for healthy lifestyles are reflected as objectives of the Plan and SA, recognising the significance of the issue. The Council has prepared a comprehensive evidence base (NT6/6) on how checking new hot food takeaways through the planning system can positively impact health.

250. The submitted plan at Policy DM3.7 would allow for additional hot food take-away provision applying two sets of criteria, the first addressing primarily issues of character and amenity and the second set dealing with health. The health-related criteria seek to prevent additional provision within 400 metres of all schools, youth centres, leisure centres and parks and in wards where more than 10% of year 6 pupils are classified as obese. No representations were received on the proposed content of submitted policy DM3.7 although the Council brought to my attention two recent appeal decisions in the Borough<sup>59</sup>. The Council's submitted approach would be overly restrictive and unsound.
251. There is little doubt, including the persuasive oral evidence given by public health officials at the examination hearings, that obesity, including child obesity is a serious health issue. National policy is clear that planning for sustainable development includes promoting healthy communities and taking account of and supporting local strategies to improve health<sup>60</sup>.
252. On a wider level North Tyneside's approach is part of an emerging picture with other Tyneside planning authorities<sup>61</sup> seeking comparable management of hot food take-away provision, recognising that this is a key area of interaction between planning and public health agendas.
253. A proportionate and balanced view needs to be taken given that there will be various causal factors for obesity rates in the Borough. Various modifications are proposed including only applying a 400 metre radius around middle and secondary schools and a higher threshold of wards with a 15% very overweight in year 6 pupils or a 10% very overweight rate in reception pupils. I note that many wards in the Borough still fall within this threshold but I am persuaded that efforts are ongoing to improve obesity rates which are likely to allow for additional hot food takeaways against an improving picture in future. Relevant data will be regularly updated (MM468) and appropriate triggers and contingencies for reviewing the policy are to be found in the Plan's Implementation and Monitoring Framework.
254. In this way the amended policy is not a moratorium on additional hot food takeaways. I am satisfied that these changes would result in a proportionate and measured policy response given the severity of the health issue. Accordingly, **MM145** to Policy DM3.7 is necessary for soundness.
255. Additionally, various amendments to the reasoned justification to Policy DM3.7 are needed to clarify the policy approach and the sources of background evidence on the prevalence of obesity to inform future decision-makers, including where updated changes in ward data on proportions of obese and

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<sup>59</sup> APP/W4515/W/16/3154710 & APP/W4515/W/16/3154960

<sup>60</sup> NPPF Paragraph 17

<sup>61</sup> Gateshead and Newcastle Councils adopted and emerging SPDs respectively.

overweight children can be found. Therefore **MM466**, **MM467**, **MM468** and **MM469** are necessary for the Plan to be justified and effective.

### *Employment and Skills*

256. Policy DM7.5 seeks major development proposals to contribute to local employment opportunities and up-skilling local residents. This positively-worded policy is generally sound in its encouragement of opportunities but would benefit from clarification that training and/or apprenticeships would be supported but not necessarily both, and that specific skills opportunities are only sought where relevant to the development. On this basis **MM335** is necessary to make the policy justified, effective and consistent with national policy.

### **Issue 10 – Whether or not the plan sets out a soundly-based approach for the specific area strategies.**

#### *Wallsend & Willington Quay*

257. The Area Specific Strategy for Wallsend and Willington Quay appropriately prioritises regeneration of the River Tyne North Bank and the town centre together with protecting and enhancing the natural and historic environment of the area. As submitted the Plan included details of a proposed Conservation Area boundary for Wallsend around the town centre and Segedunum Roman Fort (part of the Hadrian's Wall UNESCO World Heritage Site). Whilst it would be appropriate for the Plan to signal the need to pursue a Conservation Area as part of a wider approach to enhancing the image of Wallsend town centre, the precise designation would be a separate process. Accordingly, the details in the plan are not justified and as such **MM461** and **MM462** are necessary to clarify the position and remove Map 26 showing the proposed boundary.

258. The Plan at Policy AS8.2 references the role of the Forum Shopping Centre. **MM480** clarifies that the Forum Shopping Centre is shown on the Policies Map and is necessary for effectiveness. As part of the wider revitalisation of Wallsend Town Centre Policy AS8.10 identifies a complex of vacant and underused buildings where a mix of alternative uses would be supported. Again, for clarity and effectiveness there needs to be a cross reference to the Policies Map and a more detailed map in the Plan showing the area to which Policy AS8.10 applies. **MM485** addresses this and is needed for soundness.

259. The Area Strategy recognises the function and contribution of "Key Green Spaces" in Wallsend and Willington Quay. These spaces comprise the historic Wallsend Parks and the extensive green corridor of Wallsend Dene. It is appropriate that positive encouragement is provided in Policy AS8.4 for appropriate schemes that would enhance and broaden the functionality and biodiversity of these green spaces. It may well be that there are other valuable green spaces in Wallsend but I am not convinced that there is the same rationale to include them in Policy AS8.4. Attractive historic areas such as The Green are protected in the Plan by their open space designation under Policy DM5.3 and by local and national policies applying to the Conservation Area designation. I am not persuaded that additional policy protection or content is required to protect the open and historic character of The Green.

#### *North Shields*

260. The Plan defines a generous town centre boundary which includes a number of underused peripheral areas. From my observations and supporting evidence the Plan appropriately defines the core of the functioning town centre around the primary shopping frontage on Bedford Street and the Beacon Centre. Away from this core, the town centre readily dissipates such that the defined secondary shopping frontages have become very mixed with notable numbers of vacant premises and dwellings diluting any strong commercial character. Consequently, stabilising and reinforcing the core of the town centre for retail and services with a more flexible approach to peripheral areas should be regarded as an appropriate strategy.
261. The Plan promotes regeneration of the Beacon Centre and the town centre environment more generally. There is no persuasive evidence that this is not deliverable approach, given the good track record of the Council of delivering regeneration, including partnership working with key stakeholders. I am satisfied that the area specific policies for North Shields town centre offer the most realistic and pragmatic prospect of revitalising the centre in light of the evidenced forecasts for main town centre uses.
262. There are a number of sites, particularly at the margins of the town centre, which have been allocated for housing and mixed used development. There is little substantiated evidence that the marginal position of these sites which have poor visibility and connectivity to the existing core means that they would be viable or attractive for other main town centre uses. A proportion of additional housing at the margins of North Shields town centre would be a justified and effective regeneration approach, consistent with national policy on securing a vibrant mix of uses in town centres.
263. To the east of the town centre is the Fish Quay and New Quay area whose maritime heritage significance is reflected in its Conservation Area status. The area has been partly regenerated but a combination of vacant sites and the poor or unsympathetic condition of commercial sites diminishes the historic character of this area. The plan positively proposes a number of sites for re-development, mainly for housing and mixed use schemes. I find the plan's proposals are soundly based and would provide a viable vision for high quality re-development. This would preserve and enhance the setting of historic buildings and the character and appearance of the Conservation Area consistent with the objectives of the Fish Quay Neighbourhood Plan SPD.
264. Policy AS8.12 provides the policy for the Fish Quay and New Quay. In response to submissions, the Council wishes to modify the Plan to clarify that priority will be given to the fishing related industry based at the Fish Quay but allowing for some flexibility for alternative proposals subject to criteria. This would make the Policy more effective and I therefore recommend **MM465** to make the Plan sound.

### *Coast*

265. The introductory text needs updating to reflect the status of the Marine Conservation Zone and **MM379** is therefore necessary. Various amendments are also required in relation to transport policies for the coast to recognise Tynemouth's role as a district centre and the need to minimise traffic impact in the Tynemouth Conservation Area. **MM397** and **MM402** make Policy AS8.23

and supporting text more justified and effective in this regard and are therefore recommended.

**Issue 11 – Whether the plan is soundly-based in terms of the provision of necessary infrastructure in a timely manner and whether the policy requirements of the plan put the viability of its implementation as a whole at serious risk.**

*Infrastructure*

266. The Plan is accompanied by an IDP which meets the requirement of the NPPF at paragraph 177. It has been prepared in consultation with key stakeholders to identify that infrastructure necessary to support the development proposed including delivery responsibilities and timing. I am satisfied that the identified infrastructure has been robustly costed and realistically accounted for from potential funding streams. Additionally, through specific IDPs for the two strategic sites, there is a good understanding of funding and delivering specific infrastructure related to these two sites, including phasing.
267. Policy S7.1 sets out the key principles for the provision of new infrastructure and Policies S4.4(a)-(c) deal specifically with the infrastructure requirements associated with the two key strategic sites. The policy framework in the Plan, together with the IDP, would ensure appropriate infrastructure is provided at the right time to support the planned growth
268. The two strategic sites will accommodate new school provision (two primaries and one secondary school) and I have no persuasive evidence to demonstrate this would be insufficient to meet demand from the 5000 new homes. More widely the plan deals with community infrastructure at Policy S7.10. **MM346, MM348, MM349** and **M350** strengthen the policy and supporting text to make it more effective and to better reflect the Localism Act 2011 in terms of Assets of Community Value.
269. Policy S7.3 deals with transport infrastructure. Since the pre-submission consultation there has been progress at a regional level in developing a joint strategic transport plan under the auspices of NECA which resulted in a 'Transport Manifesto' being published in 2016 with a full Transport Plan due in 2017. **MM298** reflects this and is necessary for effectiveness.
270. **MM303** contains various necessary modifications to Policy S7.3, including the safeguarding of the south-west curve at Benton to reflect the Metro and Local Rail Strategy 2016 and a positive recognition of the potential for additional rail and/or metro stations in the Borough. **MM309** and **MM311** provide updated supporting text on aspects of public transport and these are necessary for effectiveness. **MM449** and **MM450** provide additional detail in the Plan for the proposed reinstatement of the Benton south-west curve and are necessary for justification and effectiveness. The track-bed of the former rail line remains in situ and I am satisfied that there is a reasonable prospect of its

delivery and that it presents an opportunity to maximise sustainable travel patterns.

271. In relation to the road network, there is considerable investment programmed or being implemented on both the strategic network along the A19 within and adjoining the Borough which will create capacity to support further growth and the economic potential of the area. Additionally, various improvements are identified to the local road network either through the LEP Growth Deal funding or as part of new development proposals. I am satisfied that these road improvements are necessary and deliverable. **MM304** necessarily ensures that Policy S7.3 reflects the full spectrum of highway improvement priorities. **MM305** also clarifies the content of Policy S7.3 in relation to pedestrians, cyclists and horse-riders and **MM333** supplements the supporting text, both resulting in effective implementation of policy.
272. Policy DM7.4 sets out the development management to individual proposals and **MM307** is needed to ensure consistency with national policy and enhance the link to the Council's SPD on highways and transport.

### *Plan Viability*

273. The Council has undertaken an area wide viability assessment of the policies of the Plan to accompany the pre-submission draft document. This was updated in 2016. A further addendum to the area wide viability assessment was published in January 2017 to accompany the consultation on the main modifications and in particular the matter of local housing standards. Additionally, the Council has looked separately at the viability of the two proposed strategic sites.
274. The viability assessment work considers the necessary factors (property markets, land values, construction costs, profit margins and policy requirements). On the whole, the Council's assumptions are agreed to be realistic and there is evidence before me that the Council has engaged with the development sector to inject appropriate realism into the viability appraisal work. I recognise that some areas are contested but not to the extent that it has been demonstrated that the scale of obligations and policy requirements in the Plan would mean that development viability would be pushed to its margins such that the delivery of the Plan, including the two strategic sites, would be put at risk.
275. A number of Plan policies set out standards which have been cumulatively appraised for their effect on viability. The majority of development is demonstrated to be viable. These policies, together with the general approach to development viability in Policy DM7.2, provide sufficient flexibility to take account of viability. I consider this an appropriate approach given the area wide viability evidence shows challenges for brownfield sites, especially in the lower value area.
276. The Council is currently considering a Community Infrastructure Levy for North Tyneside as set out in the LDS. It is common that strategic sites generate their own substantial site specific requirements which are often better suited to specific planning obligations rather than CIL. I am confident that the Council is cognisant of the need to avoid double counting and this is reflected in the wording of Policy S7.1. I note from the IDP that some £213million of

infrastructure funding is already committed in the Borough, with a similar value identified for desirable infrastructure which remains to be funded. The total estimated cost of essential infrastructure to support growth in the Plan where funding remains to be secured is lower at around £34million. This gap is not so significant as to put delivery at risk and there is a reasonable prospect it can be viably captured through a combination of planning obligations, potential CIL or other sources of funding.

277. Overall, I am satisfied from the evidence before me that the Plan is consistent with national policy on viability at NPPF paragraphs 173-174. It has been satisfactorily demonstrated that there is a reasonable prospect that the policies and proposals of the Plan will be implemented so as to secure sustainable development in the Borough in accordance with the vision, objectives and strategy of the Plan.

*Plan Monitoring*

278. Policy S9.1 sets out a robust approach to monitoring and implementation which would be strengthened in terms of housing delivery by the new additional policy content in MM456 and **MM477** would make the Plan effective in this regard. The Plan on submission was accompanied by an extensive monitoring and implementation framework (IMF) (NT01/3). For clarification the Council agrees that this should clearly form part of the Plan, as intended, and acknowledges that on adoption the IMF would be clearly included as an appendix to the Plan. Accordingly, **MM472** is necessary to make this clear. There is negligible comment on the IMF and from my own assessment I find it would provide for an effective and functional checking of the performance of the Plan through the annual monitoring process.

**Assessment of Legal Compliance**

279. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Local Plan has been prepared in accordance with various iterations of the Council's LDS, including the latest version adopted October 2016.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in August 2013. Consultation on the Local Plan and the MMs has complied with its requirements.
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Habitats Regulations Assessment (HRA)	The Habitats Regulations Screening Report January 2015 sets out that the plan may have some likely significant effect. A full HRA, including appropriate assessment, was undertaken to accompany the pre-submission Plan in November 2015 and updated in January 2016. On submission of the Plan Natural England support the HRA for the Plan including a combination of generic mitigation measures which would require further consideration at project level.

National Policy	The Local Plan complies with national policy except where indicated and MMs are recommended.
2004 Act (as amended) and 2012 Regulations.	The Local Plan complies with the Act and the Regulations.

## Overall Conclusion and Recommendation

280. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

281. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the North Tyneside Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

*David Spencer*

Inspector

This report is accompanied by an Appendix containing the Main Modifications.