



## South Tyneside Council

### East Boldon Neighbourhood Plan – Submission Draft version

#### Response of the Local Planning Authority (LPA) to Examiner's Questions of 7<sup>th</sup> June 2021

**Q1. Policy EB1** - *I am proposing that criteria d), e), j) and k) should be deleted as they are considered to be unnecessary as they repeat matters included in other policies in the plan.*

##### Response of the LPA

The LPA concurs with the proposed deletions.

**Q2. Policy EB1** – *would the LPA comment on the proposed amendments in response to Northumbrian Water's representation. Revise point c) to read: **"Ensure that the development will not increase flood risk elsewhere and where possible , reduce flood risk overall by minimising flood risk to people, property and infrastructure from all potential sources by assessing the impact of the development proposal on existing sewerage infrastructure and flood risk management infrastructure;"***

*Add new point after c) **"Ensure that development proposals separate, minimise and control surface water runoff, with sustainable drainage systems being the preferred approach;"***

##### Response of the LPA

The LPA concurs with the proposed amendments.

**Q3. Policy EB4** – *Would the QB provide me with a map to show the significant views, the green views and the eastern gateway referred to in Policy EB4 criterion e).*

##### Response of the LPA

N/A to the LPA

**Q4.** *As the second and fourth paragraphs of **Policy EB4** paraphrase text from NPPF, and do not add any locally specific policy statements, they are not considered to be necessary and I am proposing that they be deleted.*

Response of the LPA

The LPA concurs with the proposed amendments.

**Q5. Policy EB5** – *Would the QB / LPA confirm whether the wildlife corridors that have been shown in figure 10.2 of SPD3 (and included in the NP Policies Map) are indicative corridors crossing through the open / undeveloped areas between settlements such as former railway lines or lanes with strong hedgerows with woodland and other areas that have the potential to be enhanced for wildlife. In the context of a NP, locally defined corridors should be included on the Policies Map rather than strategically drawn indicative corridors. I note from the QB's response to the representations that STC has undertaken a recent piece of work to map wildlife corridors. I await conformation from STC and the QB how you wish me to proceed on this.*

Response of the LPA

The wildlife corridors presented in fig 10.2 of Supplementary Planning Document 3 are indicative strategic corridors. South Tyneside Council has recently completed a Wildlife Corridor Networks Review alongside Sunderland City Council and Gateshead Council. Appendix B of this report identifies the wildlife corridor network for South Tyneside. This is the most up to date evidence available and provides a more detailed understanding of the wildlife corridors within the Neighbourhood Forum area.

**Q6.** *The description of green infrastructure in **paragraph 6.6** is much wider than that shown on the Policies Map. I am proposing to recommend that it be revised to describe only those areas to be defined under this policy.*

Response of the LPA

The LPA concurs with the proposed amendments.

**Q7.** *Would you provide me with a map to show the site(s) referred to in representation 136 from Barton Willmore – land at Boker Lane affected by Wildlife Corridor, and LGS and land west of Sunderland Road as an Area of High Landscape Value.*

Response of the LPA

The map is provided as Annex 1.

**Q8.** *I am proposing the following modifications to **Policy EB5**:*

- a) *The inclusion of greater flexibility in the first paragraph, second sentence to read: **"Where appropriate, in determining planning applications, consideration ..."** and the first sentence of the second paragraph of the policy as follows: **"... water environment is possible, should where feasible, bring about..."**,*
- b) *I am proposing that point j) should be revised to be more specific about the pollutants from the development **"Controlling and mitigating potential pollutants likely to arise from the development, as appropriate;"***

- c) *That point m) should be more specific about the location of the wildlife corridor  
“... does not fragment the wildlife corridor associated with the stream or pond;  
and”*
- d) *In view of the extent and nature of the green infrastructure proposed, I consider  
that the third paragraph of Policy EB5 is unduly onerous and I am proposing that  
it be deleted.*

Response of the LPA

The LPA concurs with the proposed amendments and the proposed deletion.

**Q9. Policy EB6** – *The policy is worded in such a way that it is applicable to all the countryside. What is the relevance of showing the area of high landscape value and area of high landscape significance on the Policies Map? As the areas are not designated by the EBNF, it is suggested that they may be shown for information in a diagram within the plan rather than on the Policies Map.*

Response of the LPA

The LPA concurs with the proposed amendments.

**Q10.** *Would the LPA confirm the status of “The South Tyneside Local Justification of High Landscape Value and amendment to proposed Downhill Area boundary southwards on the South Tyneside Coast for extending the High Landscape Value Plan (July 2019)” which I note sets out justification for the revised boundary of the AHLV at Boldon Down.*

Response of the LPA

The status of the document referred to is that it is an evidential paper produced in support of the Pre-Publication Draft Local Plan (August 2019) that was the subject of an 8-week consultation in 2019. The document outlined the reason for the amendment to the boundary of Boldon Downhill AHLV as proposed in the Landscape Character Study 2012; this was to maintain consistency with the boundaries justified in the document and to accommodate the proposed housing allocation H3.65 ‘Land west of Boldon Cemetery’. The amendments set out in ‘*The South Tyneside Local Justification of High Landscape Value and amendment to proposed Boldon Downhill Area boundary southwards on the South Tyneside Coast for extending the High Landscape Value (July 2019)*’ will be reviewed alongside the emerging draft Local Plan.

**Q11. Policy EB6** – *I am proposing to improve clarity of criterion f) to read “... along new roads, where appropriate and safe.”*

Response of the LPA

The LPA concurs with the proposed amendment.

**Q12. Policy EB7** – *I am proposing to revise the second sentence of the first paragraph to accord with national policy to read: “Where practicable, proposals should demonstrate how measurable net gains will be achieved.”*

Response of the LPA

The LPA concurs with the proposed amendment.

**Q13: Policies EB7, 11, and 13** – *Would STC / QB agree suitable wording on coastal mitigation as suggested by Natural England.*

Response of the LPA

The LPA has agreed with the Forum that in order to address this matter, Policy EB7 could be amended to include an additional paragraph:

*“Any future housing developments should have regard to Interim Supplementary Planning Document 23: Mitigation Strategy for European Sites or any successor document. All financial contributions required in accordance with this policy will be secured by way of a planning obligation under section 106 of the Town and Country Planning Act 1990, or any subsequent amending legislation”.*

Reason for recommended wording above

Removing the reference to 10 residential units ensures that it is ‘future proofed’ against any potential changes to the mitigation strategy and its funding mechanisms. We will be undertaking an HRA of the emerging local plan and our subsequent mitigation strategy may also be a joint document with Sunderland City Council – this may (or may not) bring changes to the 10 household threshold for contributions, so losing the reference to it here means this won’t be out of date or inaccurate.

**Q14. Policy EB8** - *It is considered that this policy adds no locally specific requirements to those set out in Policy DM1. I am therefore proposing that it be deleted. The justification may be retained and revised to include a reference to Policy DM1.*

Response of the LPA

The LPA concurs with the proposed amendment and the proposed deletion.

**Q15. Policy EB9** – *I am proposing to delete criterion b) as it is unduly onerous and doesn’t accord with national policy to make provision for rural economic development.*

Response of the LPA

The LPA concurs with the proposed deletion.

**Q16: Policy EB10** – *To accord with national policy to make provision for rural economic development, I am proposing to delete “where they are located within the settlement boundary” from the third paragraph and add “Proposals affecting the Green Belt will only be supported where they satisfy the exceptions set out in the NPPF.”*

Response of the LPA

The LPA concurs with the proposed amendment.

**Q17. Policy EB11** – *The first paragraph of the policy refers to ‘main’ employment uses. Would the QB and LPA confirm whether any specific uses should be included in the policy.*

Response of the LPA

The LPA consider that it would be overly prescriptive to identify specific uses within the policy.

**Q18. Policy EB11** – *The background evidence in the Employment Land Review supports the need for employment land in the Boldon area. What evidence is there to justify the loss of most of this employment area? If the redevelopment of the industrial site comes forward in advance of the emerging Local Plan, would it be reasonable to require the developer to demonstrate that there is no need or demand for the existing employment area?*

Response of the LPA

The South Tyneside Employment Land Review - Final Report (2019) states 'It is also understood that the Council is considering the allocation of Cleadon Industrial Estate as a mixed used development with a much reduced employment area. We consider that this is appropriate as the environment of the estate is not high quality and it is not well situated in relation to the strategic highway network' (paragraph 7.38).

**Q19. Policy EB12** – *It is considered that the final part of the policy is unclear as essential local services are not defined and furthermore it is not implementable as planning policy is not capable of protecting these uses. I am proposing that the final paragraph of the policy be deleted.*

Response of the LPA

The LPA concurs with the proposed deletion.

**Q20. Policy EB13** – *I am proposing to delete the second paragraph that requires the preparation of a masterplan and change the reference to "masterplan" in the third part of the policy to "development proposal". Also that a new paragraph should be included in the justification after paragraph 8.6 "**Developers of new and replacement housing are encouraged to consult the East Boldon Neighbourhood Forum, the local community and other key stakeholders prior to submitting their proposals to the local authority for planning permission.**"*

Response of the LPA

The LPA concurs with the proposed amendment and the proposed deletion.

**Q21. Policy EB13:** *I am proposing to add a new paragraph to the justification to make reference to Policy EB2 in relation to development in the Green Belt: "**There may be limited opportunities for housing development in the Green Belt and Policy EB2 makes it clear that any such development will be considered against national policy on Green Belts.**"*

Response of the LPA

The LPA concurs with the proposed amendment.

**Q22. Policy EB15:** *In the absence of a target percentage in the policy, I am proposing that the first part of the policy should be revised to read: “... will be required to contribute to the provision of affordable housing in accordance with South Tyneside Council’s SPD on Affordable Housing and the latest Housing Needs Survey”.*

Response of the LPA

The LPA considers that the revised wording should include reference to viability as follows “... will be required to contribute to the provision of affordable housing in accordance with South Tyneside Council’s SPD on Affordable Housing, ~~and the~~ latest Housing Needs Survey *and the latest viability work undertaken for the Council to determine the level of affordable housing that is deliverable”.*

**Q23. Policy EB15 – criterion a)** *does not require off-site provision to be made in the plan area. I am proposing to add the following to the justification to explain: “In view of the Green Belt constraints and limited availability of housing land, off-site affordable housing provision may have to be located elsewhere in South Tyneside”.*

Response of the LPA

The LPA concurs with the proposed amendment.

**Q24. Policy EB15 – criterion b)** *I consider that this is unduly prescriptive and am proposing that this be revised to refer to the Council’s guidance on the subject. Would the Council point me to their policy / guidance on off-site financial provision. Do they rely on SPD4?*

Response of the LPA

The LPA can confirm that it relies on SPD4.

**Q25. Policy EB15 – criteria c, d and e and sentence above (Any planning permission ... secure) – this text is explanatory and not planning policy. I am proposing that it should be included in the justification.**

Response of the LPA

The LPA concurs with the proposed amendment.

**Q26. Policy EB17 LGS09 – I note from the representation by Pegasus that this is privately owned land and there is are no public rights of way apart from the N to S route shown on page 15 of the Transport Background Paper. Would the QB/LPA confirm that this is correct.**

Response of the LPA

The LPA can confirm that this is privately owned land and that there are no public rights of way on the site apart from the N to S route shown on page 15 of the Transport Background Paper.

**Q27. Policy EB18 – STC refers to Developer Contributions SPD. Are you referring to the SPD5 Planning Obligations and Agreements?**

Response of the LPA

The LPA can confirm that the reference to the Developer Contributions SPD is a reference to SPD 5 Planning Obligations and Agreements. However, the LPA would like to withdraw its previous comment that reference should be made to this SPD as it is very out of date and defers open space standards to SPD 3. The Open Space Study 2015 and 2019 addendum are the latest evidence base with regard to open space standards.

**Q28. Policy EB18** – *I consider it would be helpful to plan users to add another paragraph to the justification to explain that new development proposals should include open space in accordance with the STC standards which are set out in SPD5. “New housing development should include areas of open space for children’s play, sports and amenity in accordance with STC’s policies and SPD5”.*

Response of the LPA

The LPA concurs with the proposed amendment.

**Q29. Policy EB19** – *I am proposing that this policy should be deleted as it seeks to have all infrastructure in place or committed prior to development being brought into use. It does not acknowledge that infrastructure is often phased. No assessment has been undertaken of the feasibility and viability of this approach and the potential impact on the deliverability of development. As a consequence I am also proposing that **Policy EB1j** should be deleted for the same reasons.*

Response of the LPA

The LPA concurs with the proposed deletions.

**Q30. Policies EB22 and 23** – *the parking standards are considered to be too prescriptive and inappropriate for planning policy. I am proposing to recommend that they should be included in an Annex to the Design Guide. Would the QB provide me with the evidence that has been collected to justify these local standards in accordance with NPPF 105.*

Response of the LPA

The LPA concurs that the parking standards are considered to be too prescriptive and inappropriate for planning policy.

**Q31. Policy EB24** – *as the policy does refer to any standards, it is recommended that reference should be made to the Council’s Parking Standards.*

Response of the LPA

The LPA concurs that reference should be made to the Council’s Parking Standards.

**Q32. Policy EB25** – *are all the routes shown public rights of way? If so, their protection is already covered by other legislation and there is no need to include them in planning policy.*

Response of the LPA

The LPA has no comment.

**Q33. Policy EB25** – *STC has confirmed that the proposed route improvement at Cleadon is at policy consultation and no decision has been made on it yet. It is not appropriate therefore to indicate that it should be protected in the plan.*

Response of the LPA

The LPA has no comment.

**Q34. Referendum Area** – *Does the QB and LPA have any views on whether the area for referendum should be extended beyond the plan area?*

Response of the LPA

The LPA does not consider that the area for the referendum should be extended beyond the plan area.