

Template Response to South Tyneside Council Draft Local Plan 2022

Key Policies in the Draft Local Plan requiring improvement:

1. Objection made specifically regarding Policy SP2: Strategy for Sustainable Development

We object to the proposed unsustainable level of growth of housing development. South Tyneside Council must make a robust case to the planning inspectorate and the government to decrease the number of homes planned for. The Draft Local Plan must be revised in order to meet the requirement to be sound on the basis of being positively prepared, so that it meets the area's objectively assessed needs and is consistent with achieving sustainable development.

In SP2 paragraph 4.12 of the Draft Local Plan it states *"The household projections that inform the housing baseline are the 2014-based household projections. This figure could change upwards or downwards based on new data. South Tyneside's housing requirement will not be 'locked in' until The Plan is submitted to the independent Planning Inspectorate."*

The Draft Local Plan is based on inaccurate population projections. Census data show a consistently falling population in South Tyneside, from 157,200 in 1991, to 152,785 in 2001, to 148,127 in 2011, to 147,800 in 2021. Yet the Local Plan assumes a population of 151,936 for 2021, an overestimate of 4,136, and that it would continue to increase over the next 20 years.

South Tyneside Council has used a buffer of 15% of the housing requirement although the buffer can be in the range of 5% to 20%. The buffer needs to be reduced to 5%.

Using the Office for National Statistics (ONS) 2014 housing projections produces a housing requirement of 321 per year, a total of 6489 houses by 2039. The Draft Local Plan, as it stands after accounting for existing housing commitments and a 15% buffer, would require a total of 78,530 dwellings in South Tyneside by 2039 whereas the 2018 ONS projection is for 75,412 dwellings, some 3,118 houses less.

The ONS household projection is likely to be revised down given the population trends thus increasing the excess housing provision in the Draft Local Plan.

The East Boldon Neighbourhood Forum received the following statement from the Department for Levelling Up, Housing & Communities, written by Alan C Scott, Planning policy adviser on behalf of the Secretary of State:

"In 2018 the Framework introduced a standard method for calculating local housing need to make the process simple, quick and transparent. "The standard method does not impose a target; it is still up to the local authority to determine its housing requirement, and this includes taking local circumstances and restraints such as Green Belt into account..."

This means that South Tyneside Council is able to determine its housing requirement and can take into account the restraint of the Green Belt.

2. Objection to building on the Green Belt, made specifically regarding Policies SP3 and SP5

The Green Belt land allocation in the Draft Local Plan is for 1,862 new homes but there is no justification for building on this precious resource. The Green Belt does not need to be built on and therefore the least harm to this resource is no further development at all on the Green Belt and exceptional circumstances have not been established. The Draft Local Plan must be revised in order to meet the requirement to be sound on the basis of being justified, as an appropriate strategy, taking into account the reasonable alternatives and based on proportionate evidence; and on the basis of being consistent with national policy.

In the Draft Local Plan, Policy SP3: Spatial Strategy for Sustainable Development proposes amending the Green Belt boundary to allocate additional land for housing and Policy SP5 Urban and Village Sustainable Growth Areas proposes the removal of sites from the Green Belt and allocation for housing development.

The National Planning Policy Framework (NPPF) states “140. *Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans.*”

As demonstrated in Objection 1 above, there is no evidence that the housing requirement for the Plan period is at a level requiring development on the Green Belt.

A recent planning appeal decision has confirmed the protected status of the Green Belt. This decision reiterates and reinforces the protection from inappropriate development given to the Green Belt in national planning policy.

Broke Hill golf course

In the Broke Hill case in Sevenoaks, Kent, the Inspector confirmed that, where planning policies protect areas of particular importance and provide a clear reason for refusing the development, the so-called “tilted balance” presumption in favour of granting planning permission does not apply.

For Broke Hill, the planning policies in this case related to protection of the Green Belt. This is especially important as Sevenoaks does not have the required five-year supply of housing land nor has it met the government’s housing delivery test for 2021. The inspector noted a number of benefits of the proposed development including provision of affordable housing. However, he concluded that notwithstanding the lack of five-year housing supply, the housing delivery test, and the benefits, this did not outweigh the harm that would be caused to the Green Belt, and were not sufficient to override national and local planning policies protecting the Green Belt. “*The tilted balance is not invoked, however, because the Framework at Paragraph 11d(i) and footnote 7 protects both areas and assets of particular importance, which include the Green Belt, and provides a clear reason to dismiss the appeal.*” *Stephen Wilkinson, Inspector*

[Planning Inspectorate decision Broke Hill golf course 31 January 2022](#)

This case should give confidence to South Tyneside Council that they can, and should, invoke the protection of the Green Belt, as specified in paragraph 11 of the National Planning Policy Framework, as sufficient reason to refuse permission for planning applications seeking to build on Green Belt land and to revise the Draft Local Plan to remove the proposed amendment to the Green Belt boundary to allocate additional land for housing and to withdraw all of the sites proposed for removal from the Green Belt.

Furthermore, the Draft Local Plan is not justified because the NPPF states *“141. Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph, and whether the strategy:*

a) makes as much use as possible of suitable brownfield sites and underutilised land;
b) optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and
c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.”

Regarding paragraph “a”, it has not been proven that all brownfield sites have been considered. There are underutilised sites such as areas in South Shields town centre where previously developed land is used for car parking rather than housing. These are areas close to South Shields transport interchange and so would satisfy paragraph “b” the need to promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport.

Planners rejected over 400 possible sites across South Tyneside. Questions raised over validity of the reasons for rejection have not been answered. Some of the sites stated as ‘rejected’ in documents, such as the Neon Club site, have been granted planning permission; the health clinic site near the ambulance station, Boldon Lane, The Pickwick in Biddick Hall have not been included in the Draft Local Plan.

Regarding paragraph “c”, there is no evidence that the aggregated housing assessments of the neighbouring authorities has been compared with the projected population levels of these authorities to show that there will be no overall supply. The simple statement in 4.32 in the Local Plan is insufficient: *“Prior to identifying land in the Green Belt the Council has, as part of Duty to Cooperate, discussed whether neighbouring authorities could accommodate additional housing. As set out in the Duty to Cooperate Statement, neighbouring authorities have confirmed that they would be unable to provide land to meet South Tyneside’s needs.”*

A further statement which is insufficient is paragraph 4.35, Sustainable Urban and Village Extensions: *“The Council has undertaken an extensive Green Belt review to identify land which would cause the least harm to the purposes of the Green Belt, that is considered suitable for development, and that could create a new defensible Green Belt boundary. Through this work, the Council has also established the exceptional circumstances to justify amending the Green Belt boundary at each location. Following consultation on the Plan, the Council will undertake a Green Belt boundary review which will review the entire Green Belt boundary to ensure that it has a strong and defensible boundary as required by the NPPF.”*

It has been shown that the Green Belt does not need to be built on and therefore the least harm to this resource is no further development at all on the Green Belt and exceptional circumstances have not been established.

3. Objection made specifically regarding Section 5 Strategic Allocations

The Draft Local Plan must be revised because it is not consistent with the NPPF in terms of meeting the housing needs identified in the Strategic Housing Market Assessment (SHMA) and is therefore not sound.

In the section on Housing Allocations the Draft Local Plan states:

“5.3 When allocating sites to meet the housing requirement, the Plan has looked to ensure the right homes are delivered in the right places, taking into account need, demand, deliverability, sustainability and improving choice.”

The SHMA has identified an annual need for 209 affordable homes each year across the borough which justifies the need for a robust affordable housing policy which will provide mechanisms to help meet this affordable need. That is around 60% of houses built. Yet the same document supports a target for 75% market and 25% affordable housing mix. The proposed proportion of affordable homes in Cleadon and East Boldon is 30%, but as median house prices in this area are £225,000 the accepted definition of affordable being 80% of market value means they will still be unaffordable to the very people requiring this provision.

The NPPF states *“62. Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).”*

Particular needs identified in the SHMA are: *“Increasing and diversifying the supply of specialist housing for older people. There is a need for 1,908 more units of accommodation for older people by 2039 including sheltered/retirement, Extra Care, co-housing and residential care. Based on an assessment of additional needs and longer-term demographics, a minimum of 6.8% of new dwellings should be built to M4(3) wheelchair accessible standard; and all other new dwellings should be built to M4(2) accessible and adaptable standard.”*

However there appears to be no sites identified in the Draft Local Plan for this type of development.

4. Objection made specifically regarding Section 7 Meeting the Challenge of Climate Change, Flooding and Coastal Change

The Draft Local Plan must be revised because it is not compliant with the Climate Change Act 2008 and Planning and Compulsory Purchase Act 2004 (as amended) duties and NPPF guidance – carbon accounting and climate mitigation.

The increased carbon emissions from the development proposed in the Draft Local Plan will add to South Tyneside’s carbon footprint and add to the climate change emergency. The council ignores this despite declaring a climate emergency. 6489 homes will produce around 39,000 tonnes of CO₂ per annum, 200% of the emissions STC have used as their baseline figure to reach zero carbon by 2030.

National legislation and guidance strongly stress the central role of the planning system in securing radical reductions in greenhouse gas emissions and require Local Plans to:

1. Take into account baseline emissions
2. Robustly evaluate future emissions, considering different emission sources, taking into account requirements set in national legislation, and a range of development scenarios
3. Adopt proactive strategies to mitigate carbon emissions in line with the Climate Change Act, a 100% reduction by 2050.

The Draft Local Plan fails to do any of these things, and is therefore unsound and challengeable.

The Draft Local Plan should include an audit of the carbon emissions inherent in new development. The policies should aim to secure radical carbon reductions in line with a trajectory for the authority area that is consistent with the UK achieving full carbon neutrality by 2050, and in the short term should test the policy options available to achieve the highest level of ambition possible to meet this goal.

As far as possible, all new development should be zero carbon given that the country's net zero target must be met in the next 30 years. A good example from another area is Reading Council: ***"The council's 2019 Local Plan requires that all new residential developments of ten or more homes are built to zero carbon standards if possible. Zero carbon is an achievable standard that, until recently, was intended to be a national requirement in UK building regulations."***

A major review of the Draft Local Plan is required in order to bring it into compliance with legislative and policy requirements around climate change.

5. Objection made specifically regarding Policy 6: Renewables and Low Carbon Energy Generation

The Draft Local Plan must be revised in order to improve this policy so that it is consistent with national policy.

The Draft Local Plan fails to include a reference to the following, whereas it was included in in the 2019 Draft Local Plan:

NPPF 156 states: *"Local planning authorities should support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning."*

We welcome Policy 6 paragraph 2 supporting the inclusion of renewable energy into developments, but the text is not strong enough, and once again, will not change business as usual development approaches. A requirement to include and maximise on-site renewable energy generation needs to be folded into an overall green house gas emissions policy, as seen in the London Plan, policy S12¹.

We welcome Policy 6 paragraph 4, the inclusion of policies requiring development to connect to district heating networks, however this policy needs to be made significantly stronger. The best example of which we are aware is draft policy S113 of the draft London Plan. As the whole of South Tyneside is located over disused mineworkings more heating schemes like the "Hebburn Minewater Project" should be invested in housing schemes.

¹ London Plan – policy S12 - www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/draft-new-london-plan/chapter-9-sustainable-infrastructure/policy-s12-minimising#r-S12

6. Objection made specifically regarding Policy 1 Promoting Healthy Communities and Policy 2 Air Quality

The Draft Local Plan must be revised to ensure it is justified, that these policies are able to ensure the Strategic Objectives for Promoting Healthy Communities will be achieved; and to be consistent with national policy.

The Draft Local Plan proposes the development of several vital community open spaces, for example the Disco Field in Boldon Colliery, despite stating in Policy 1:

To improve and promote strong, vibrant, and healthy communities which encourage positive health related behaviours, reduce health inequalities, and support good physical and mental health and wellbeing, the Council and its Partners, including the NHS, will: 1. Ensure that development: i. Increases physical activity and active travel through the provision of good quality, safe and accessible open spaces, playing fields and sports facilities, and enhances environments to encourage walking and cycling and the use of public transport.

These community open spaces must be protected and removed from the Draft Local Plan as sites for development. The importance of these community open spaces is recognised in NPPF paragraph 96, 20-23, 26 and 92.

Building on playing fields for example at Chuter Ede has the exact opposite effect to the objective, increasing the local population while removing green space playing fields that are used for exercise.

There is little in the Draft Local Plan that would fulfil the Strategic Objectives for Promoting Healthy Communities. In fact, some parts of the plan make the situation worse including the proposed development in areas that will promote car use such as in Cleadon, East Boldon and Whitburn. These developments will typically have two cars per household, adding potentially thousands of car journeys on an already congested road system. This will have a detrimental effect road safety and on the local environment due to noise and exhaust emissions. Some areas have air pollution levels already in excess of the World Health Organisation recommended maximums. These vehicle journeys will only make this more dangerous as there are no safe levels for these pollutants.

The Draft Local Plan states in paragraph 6.11: *“The importance of good air quality is recognised by the World Health Organisation (WHO) which produced a series of standards that have been adopted by the European Commission and subsequently the UK”.*

A Local Authority recognising this will be aware that the WHO air quality standards were revised in 2021 and the recommended pollutant levels, to be achieved, were revised down by a considerable amount. NOTE: These are not safe levels as scientists do not consider any amount to be safe. It is inconceivable that the UK national standards will not be reduced to reflect these changes.

Paragraph 6.14: states *“Where relevant, development that may result in a detrimental effect on air quality in the Borough will need to be supported by an air quality assessment”.* Due to the changes in WHO levels it is reasonable to predict large areas of the Borough will exceed these and the proposed developments will result in unsafe air pollution.

The council has a duty as far as reasonably practicable to ensure the health and safety of its residents. Given the above, the Draft Local Plan must be revised to take into consideration the results of the proposed developments on air quality and specified measures that would reduce pollution levels to the minimum possible.

NPPF states in 186: *“Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications.”*

The Plan has failed to identify these opportunities adequately and this demonstrates that the Plan is not sound.

NPPF states: *“31. The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned...”*

The revised WHO air pollution levels are relevant and up-to-date and should be a material consideration.

7. Objection made specifically regarding Policy 10 Disposal of Foul Water and Policy 11 Protecting Water Quality

The Draft Local Plan must be revised to ensure it is justified, that these policies are able to ensure the Objectives for Protecting Water Quality will be achieved; and to be consistent with national policy.

The Draft Local Plan does not refer to the current significant level of sewage pollution in South Tyneside. Population levels have increased considerably in the UK since Victorian times yet we are still using combined sewers that were constructed in the 19th century. If more housing development is permitted, especially on green spaces, more pressure will be exerted on an already failing sewage system. However, in the consultation on the Draft Local Plan, South Tyneside Council have confirmed that no extra sewage will be added to the existing infrastructure on the recommendations of Northumbrian Water who have assured them the existing system will cope.

NPPF states *“20. Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for: ...
b) infrastructure for ...wastewater”*

NPPF states: *“185. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.”*

The Environmental Permitting Regulations 2016 Permits to discharge untreated sewage from Combined Sewer Overflows into watercourses during heavy rainfall are issued to water companies and regulated by the Environment Agency. There is growing evidence to show that these permits are being abused. Sewage is regularly discharged into South Tyneside watercourses in moderate rainfall. This is due to a lack of capacity at the sewage treatment works caused by a lack of investment and contravenes environmental law.

The Environment Agency (EA) has been required to install Event Duration Monitors (EDMs) in all Combined Sewer Overflows (CSOs). These record the number of discharges and the duration of the discharges. The Whitburn system remains in breach of environmental law as of March 2021, but the EA want to wait 10 years to 'assess' the system.

The data supplied by the authorities needs to be treated with caution. In March 2020 the EA issued an apology after their published sewage discharge records for Whitburn for 2019 were challenged. They were forced to increase the volume of CSO discharges for Whitburn by 10% from 683,676 cubic metres to 760,993.5 cubic metres. In March 2021 Northumbrian Water issued an apology after their published untreated sewage discharge records for Hendon Sewage treatment works for 2019 were challenged. They were forced to increase their published hours of untreated discharges in 2019 from Hendon Sewage Treatment works by 4,000% from 15 hours 52 mins to 646 hours.

Sewage pollution is a contributor to climate change. Seagrasses can absorb more carbon up to 40 times faster than terrestrial forests and these ecosystems become sources of CO₂ emissions when they are degraded or destroyed. A major driver of seagrass decline is nutrient pollution from sewage. A study has shown that 90% of the seagrass meadows in the UK have been lost to pollution. Locally, the seagrass meadows in the River Tyne estuary have been devastated by sewage flowing from nearby Combined Sewer Overflows.

Sewage pollution causes harm to public health. Recent epidemiological studies show a close relationship between contact with polluted waters and the incidence of gastro-intestinal, eye, ear, nose and throat infections or irritations and respiratory symptoms. This is a recognised problem for surfers, kite surfers, windsurfers, sailors, kayakers and wild swimmers. Even the dog walkers, joggers and walkers who all enjoy the access to South Tyneside's riverside and beaches throughout the year are at risk from sewage pollution.

Public Health is a material planning consideration. Local authorities have important and wide-ranging public health functions, for example under the Public Health (Control of Disease) Act 1984. This legislation adopts an 'all-hazards' approach and provides South Tyneside Council with the necessary powers to control human health risks arising from infection or contamination of any form including chemicals and radiation. Statutory duties for public health were conferred on local authorities by the Health and Social Care Act 2012. Local authorities (and directors of public health acting on their behalf) now have a critical role in protecting the health of their population, both in terms of helping to prevent threats arising and in ensuring appropriate responses when things do go wrong.

Health considerations are capable of being material planning considerations. This is recognised in the NPPF which includes the following statement at paragraph 91. 91: *"Planning policies and decisions should aim to achieve healthy, inclusive and safe places."*

The health implications of exposure to the levels of sewage pollution regularly discharged into the River Tyne and on to the beaches of South Tyneside must be a material planning consideration with respect to future developments as, without an improvement in sewage treatment capacity, more development will bring about an inevitable increase in sewage pollution.

8. Objection made specifically regarding Policy 36 Protecting Trees, Woodland and Hedgerows and Appendix 3 Housing Allocations Requirements

The Draft Local Plan must be revised to ensure it is justified, that this policy and housing allocations requirements able to ensure the Strategic Objectives for Conserving and Enhancing the Natural Environment will be achieved; and to be consistent with national policy.

The Draft Local Plan Policy 36 paragraph 1 states: *“Trees, woodland and hedges of significant amenity or biodiversity value shall be suitably retained as an integral part of the design of the development, except where their long-term survival is compromised by their condition or where there are clear or exceptional benefits in accepting their loss.”* The significant number of healthy mature trees and hedges which have been removed in the borough due to development and also to street tree removal for tarmac pavements, makes it clear that this exception for clear or exceptional benefits will continue to allow healthy, mature tree and hedge loss.

Therefore paragraph 1 must be amended to remove the wording: *“or where there are clear or exceptional benefits in accepting their loss.”* This wording is open to interpretation and misuse which will lead to further healthy, mature tree and hedge loss.

All 3 paragraphs of Policy 36 are weak and will allow the continued felling of healthy, mature trees and hedgerows for development. Therefore an additional paragraph is required to ensure the policy is justified: *“Development which results in the loss or significant damage to healthy, mature trees and native hedgerow, will not be permitted.”*

The Draft Local Plan Appendix 3 Housing Allocations Requirements under Key Considerations for each site states: *“Mature trees should be retained.”* This wording does not give mature trees and hedgerows adequate protection and must be revised in the key consideration for every site put forward for *development within the Draft Local Plan to read **“Healthy, mature trees and hedgerows must be retained.”*** This will achieve the aim of requiring developers to retain healthy, mature trees and hedgerows onsite and incorporate them into designs.

Paragraph 11.33 of the Draft Local Plan states the importance of mature trees yet gives developers the option of felling mature trees if they replant new trees. Research shows mature trees are more effective as a resource for addressing climate change: mature trees absorb 40kg of carbon dioxide per year (ecotree.green) whereas young trees absorb around 5kg per year (carbonpirates.com).

The NPPF emphasises that responding to climate change is central to sustainable development and recognises that mature trees play an important role in mitigating climate change and adaptation to the adverse impacts of climate change. Therefore preservation of healthy mature trees and hedgerows must be a priority in the Draft Local Plan. The NPPF also recognises the value of trees and hedgerows to biodiversity and to human health and wellbeing.

Climate Change documents within the Planning Policy Guidance (PPG) put emphasis on addressing climate change as being one of the core land use planning principles which the NPPF expects to underpin both plan-making and decision-taking. To be found sound Local Plans need to reflect this principle and include proactive strategies to adapt to climate change in line with the provisions and objectives of Climate Change Act 2008.