



The Planning Inspectorate

---

# Report to Gateshead Council

**by Joanna Gilbert MA (Hons) MTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Date 3 November 2020**

---

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

## **Report on the Examination of the Making Spaces for Growing Places Site Allocations and Development Management Policies Local Plan Document for Gateshead**

The Plan was submitted for examination on 12 April 2019

The examination hearings were held between 1 and 10 October 2019

File Ref: PINS/H4505/429/3

# Contents

Abbreviations used in this report	page 4
Non-Technical Summary	page 5
Introduction	page 6
Context of the Plan	page 7
Public Sector Equality Duty	page 7
Assessment of Duty to Co-operate	page 7
Assessment of Other Aspects of Legal Compliance	page 8
Assessment of Soundness	page 9
Issue 1 – Does the Plan set out policies for employment provision and retail and leisure development, which are positively prepared, justified, effective and consistent with the CSUCP and national policy?	page 10
Issue 2 - Would the Plan’s approach to the scale and distribution of housing and the supply of housing be consistent with the CSUCP?	page 14
Issue 3 – Does the Plan provide positively prepared policies for housing standards and for housing for specific groups, which are justified, effective and consistent with the CSUCP and national policy?	page 21
Issue 4 – Is the Plan’s approach to transport and accessibility positively prepared, justified, effective and consistent with national policy?	page 25
Issue 5 – Is the Plan’s approach to the environmental and health impacts of development positively prepared, justified, effective and consistent with the CSUCP and with national policy?	page 26
Issue 6 – Is the Plan’s approach to the historic and built environment positively prepared, justified, effective and consistent with the CSUCP and with national policy?	page 27
Issue 7 – Is the Plan’s approach to the natural environment positively prepared, justified, effective and consistent with the CSUCP and national policy?	page 29
Issue 8 – Is the Plan’s approach to the provision of community facilities positively prepared, justified, effective and consistent with the CSUCP and national policy?	page 32

Issue 9 – Is the Plan's approach to the provision for minerals and waste positively prepared, justified, effective and consistent with the CSUCP and national policy?	page 33
Issue 10 – Does the Plan provide an adequate monitoring framework for the implementation of its policies which would be effective and in general conformity with the CSUCP?	page 36
Overall Conclusion and Recommendation	page 37
Schedule of Main Modifications	Appendix

## Abbreviations used in this report

CSUCP	Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010 - 2030
ELR	Gateshead Employment Land Review 2018
KEA	Key Employment Area
LEA	Local Employment Area
MEA	Main Employment Area
MM	Main Modification
MSGP	Making Spaces for Growing Places Site Allocations and Development Management Policies Local Plan Document for Gateshead
NDSS	Nationally Described Space Standard
PPG	Planning Practice Guidance
SHLAA	Gateshead Strategic Housing Land Availability Assessment Update 2018
SPD	Supplementary Planning Document
SHMA	Strategic Housing Market Assessment
VPA	Viability Profile Area

## Non-Technical Summary

This report concludes that the Making Spaces for Growing Places Site Allocations and Development Management Policies Local Plan Document for Gateshead provides an appropriate basis for the planning of the borough, provided that a number of main modifications (MMs) are made to it. Gateshead Council has specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

Following the hearings, the Council prepared schedules of the proposed modifications and, where necessary, carried out sustainability appraisal. The MMs were subject to public consultation from 27 July 2020 to 18 September 2020. I have recommended their inclusion in the Plan after considering the sustainability appraisal and all the representations made in response to consultation on them.

The MMs can be summarised as follows:

- Provision of an appendix to set out marketing requirements for employment sites in the interests of effectiveness;
- Amendment of site capacity figures and delivery rates for housing allocations for effectiveness;
- Deletion of policies on targeted recruitment and training, housing density; Saltwell School site; dormant mineral sites; and unacceptable areas for mineral working, to be justified, effective and consistent with national policy;
- Provision of a revised framework for monitoring for effectiveness; and
- A number of other modifications to ensure that the plan is positively prepared, justified, effective and consistent with national policy.

## Introduction

1. This report contains my assessment of the Making Spaces for Growing Places Site Allocations and Development Management Policies Local Plan Document for Gateshead (the Plan) in terms of Section 20(5) of the Planning and 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 compliant with the legal requirements and whether it is sound. Paragraph 35 of the National Planning Policy Framework 2019 (the Framework) 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 Plan as submitted in April 2019 is the basis for my examination. It is the same document as was published for consultation in October 2018.

## Main Modifications

3. 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/or not legally compliant and thus incapable of being adopted. My report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM01**, **MM02** etc, and are set out in full in the Appendix.
4. Following the examination hearings, the Council prepared a schedule of proposed MMs and, where necessary, carried out sustainability appraisal of them. The MMs were subject to public consultation from 27 July 2020 to 18 September 2020. I have taken account of the consultation responses in coming to my conclusions in this report. I have amended **MM47** to reflect that the vision document for the Tyne Estuary has now been prepared. This is a factual correction and does not alter the substance or meaning of **MM47**.

## Policies Map

5. 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 is the MSGP Submission Draft Policies Map (October 2018).
6. 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 (**MM21**; **MM27**; **MM29**; **MM42**; **MM51**; **MM60**; **MM62**; **MM63**; **MM66**) require further corresponding changes to be made to the policies map. These further changes to the policies map were published for consultation alongside the MMs within the Schedule of Proposed Consequential Changes to the Policies Map (July 2020).

7. 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 and published alongside the MMs.

## **Context of the Plan**

8. Gateshead's Urban Core, in combination with Newcastle's city centre, provides regional cultural and economic facilities. The relatively densely developed Urban Core in the borough's north-east is surrounded by older residential areas and outer-urban neighbourhoods with some large well-established industrial estates, while semi-rural villages are situated in the borough's western and south-western parts. Within the borough, there are significant areas of land within the Green Belt.
9. Adopted in 2015, the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010 – 2030 (CSUCP) provides strategic policies for Gateshead and Newcastle's administrative areas and an area action plan for the Urban Core in both Gateshead and Newcastle. In March 2020, Gateshead Council and Newcastle City Council reviewed the CSUCP to assess whether policies required updating either in full or in part. The review included an assessment of relevant factors and information as set out in the Planning Practice Guidance (PPG) and an assessment of CSUCP policies' performance based on the Councils' monitoring data. The review concluded that there is currently no need to update the CSUCP or any of its component policies, as it continues to be in general conformity with the provisions of the Framework and helps to deliver the key priorities and aims of both Councils.
10. The CSUCP forms parts one and two of the Council's Development Plan. Once adopted, this Plan will provide part three. The Plan is intended as a complementary plan to the CSUCP which will remain in force. The Plan must therefore be consistent with the CSUCP to comply with Regulation 8(4) of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Plan will establish non-strategic policies that support the strategic objectives and policies set out in the CSUCP and will replace a number of saved policies of the Gateshead Unitary Development Plan 2007. Part four of the Development Plan will comprise the MetroGreen Area Action Plan.

## **Public Sector Equality Duty**

11. I have had due regard to the aims expressed in Section 149(1) of the Equality Act 2010. This has included my consideration of several matters during the examination such as housing for specific groups and accessible and adaptable dwellings.

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

12. 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 of the 2004 Act in respect of the Plan's preparation. Section 33A requires local planning authorities and other bodies subject to the duty to co-operate to engage constructively, actively, and on an on-going basis with one another in order to

maximise the effectiveness of plan preparation. The duty to co-operate applies to the preparation of local plans, and to activities that prepare the way for or support the preparation of local plans, so far as relating to a strategic matter.

13. In the particular circumstances of this Plan, there are no matters which could be considered to be strategic matters. I am therefore satisfied that it is not necessary to consider the Council's compliance with the duty to co-operate any further in respect of the preparation of this Plan.

## **Assessment of Other Aspects of Legal Compliance**

14. My examination of the legal compliance of the Plan is summarised below. I conclude that the legal requirements are all met, other than in respect of two issues which can be addressed through MMs.
15. Regulation 8(5) of the Town and Country Planning (Local Planning) (England) Regulations 2012 requires that where a Local Plan contains a policy that is intended to supersede another policy in the adopted Development Plan, it must state that fact and identify the superseded policy. The adopted Development Plan for Gateshead currently consists of the CSUCP and the saved policies of the Gateshead Unitary Development Plan 2007. Upon adoption, the Plan will supersede a number of saved policies within the Gateshead Unitary Development Plan 2007. The policies to be superseded are set out in the Plan at Appendix 18. However, in order to reflect deleted and amended Plan policies and to be effective, **MM77** sets out modifications in respect of superseded policies.
16. The Plan has been prepared in accordance with the Council's Local Development Scheme 2017.
17. Consultation on the Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement 2017 and the subsequent Statement of Community Involvement 2020. The Council's Consultation Statement 2019 accompanying the submitted Plan sets out the steps that were taken to ensure compliance with the relevant Statement of Community Involvement during the Plan's production.
18. Due to Covid-19, it was not possible for the consultation on MMs to be undertaken identically to the Regulation 19 consultation. The Council offices were not open during the consultation on MMs, therefore it was necessary to make an appointment if accessing hard copy documents. In order to reflect changes due to Covid-19, the Council produced a new Statement of Community Involvement in July 2020. I am of the view that consultation on the Plan and MMs was satisfactory when measured against the relevant Statement of Community Involvement's requirements in place at those stages.
19. The Council carried out a sustainability appraisal of the Plan, prepared a report of the findings of the appraisal, and published the report along with the Plan and other submission documents under Regulation 19. The appraisal was updated to assess the MMs. Sustainability appraisal has been carried out and is adequate.

20. The Gateshead and Newcastle Councils Core Strategy and Urban Core Plan Habitats Regulations Assessment (November 2013) for the CSUCP concluded that a full Appropriate Assessment was unnecessary as, given the distance to the nearest European sites, any impact from the CSUCP's policies and proposals would not in-combination generate any likely significant effects on any European site. A Habitats Regulations Assessment was therefore not specifically carried out for this Plan. Having had regard to the European Court of Justice Judgment in *People over Wind, Peter Sweetman v Coillte Teoranta* [Case C323/17], it is reasonable to consider that the development proposed in the Plan will not have significant effects on European designated sites. Appropriate Assessment is not therefore required.
21. The Development Plan, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the local planning authority's area. The Plan complies with national policy and all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations, except where indicated and MMs are recommended, and in respect of paragraph 21 of the Framework. This requires plans to make explicit which policies are strategic policies. In order to accord with this requirement, **MM01** clarifies that none of the Plan's policies are strategic.
22. The Development Plan, taken as a whole, includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. Policies within the Plan include those addressing sustainable transport, air quality, renewable and low carbon energy, flood risk and water quality, green infrastructure and biodiversity.

## Assessment of Soundness

### 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 ten main issues upon which the soundness of this Plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.
24. On 21 July 2020, the Government published The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. These came into force on 1 September 2020. None of the Plan's policies would prevent the new regulations taking effect in the Plan area. National policy remains unchanged. Although the implementation of some of the policies in the CSUCP and the Plan will be affected by the new regulations, their full effects are unclear at this point in time.
25. The new regulations have come forward at a late stage in the plan-making process. It is recognised by Government that the planning system has a vital role to play in enabling the delivery of housing and economic growth that will support economic recovery. It is therefore important that the system continues to operate effectively, ensuring that all those involved, including local authorities, the Planning Inspectorate, developers, statutory consultees,

local communities and others can engage in the process. The completion of the Plan's examination will be positive for economic recovery. Once adopted, the Council will be monitoring the Plan's implementation. In its letter of 30 September 2020, the Council committed to an early review of the Plan as the most appropriate way forward with regard to changes to use classes. Under current circumstances, I agree to this approach.

**Issue 1 – Does the Plan set out policies for employment provision and retail and leisure development, which are positively prepared, justified, effective and consistent with the CSUCP and national policy?**

*Employment Sites*

26. The CSUCP's spatial strategy prioritises Gateshead's Urban Core for major office, retail, higher and further education, leisure, culture and tourism development, with sites allocated for this purpose, and promotes clustering of knowledge-based and creative media and digital industries in the Urban Core and at Gateshead Quays and the Baltic Business Quarter. Economic development is also supported by the CSUCP in Key Employment Areas (KEA) outside the Urban Core at Team Valley (advanced manufacturing and engineering) and Follingsby (distribution and logistics).
27. The CSUCP requires provision of 70 hectares of net developable employment land to be identified and allocated to meet anticipated employment needs to 2030 and a minimum of approximately 102,000 square metres (gross internal area) of office floorspace in Gateshead, with much of the office development to be accommodated in the Urban Core, an area addressed by the CSUCP, and at Team Valley and MetroGreen in limited amounts.
28. The process of identifying land for the development of employment-related uses took place through the Gateshead Employment Land Review 2018 (ELR). Each site was subject to a detailed assessment process which considered its development potential in terms of site size and capacity for development, suitability, availability, achievability including viability and the potential to overcome constraints to development.
29. Factoring in take-up of employment land since the beginning of the plan period, which stands at 9.76 hectares of net developable land, the residual net requirement would be 60.24 hectares to 2030. The ELR identifies a supply of 68.02 hectares of net developable employment land, including 36.45 hectares within the CSUCP in the Urban Core, MetroGreen, and at Follingsby KEA, and 31.57 hectares for allocation within this Plan. Policy MSGP1 allocates employment sites for B1, B2 and B8 development totalling 31.57 hectares (net) across 24 sites within the borough. With the allocations in both the CSUCP and this Plan, the Council is able to demonstrate that the CSUCP's residual requirement for net developable employment land could be met, with a degree of flexibility of some eight hectares of employment land if the delivery of any employment allocations is delayed or does not take place.
30. Employment land is generally allocated within the borough's identified KEA at Team Valley Trading Estate and Follingsby; at Main Employment Areas (MEA) in Addison, Blaydon/Derwenthaugh, East Gateshead, Felling, and Birtley; and at Local Employment Areas (LEA) in Whickham and Whinfield. The location of

the allocations would be justified as it allows for accessibility of employment opportunities in different areas of the borough.

31. On the basis of the above evidence, I am satisfied that the employment allocations in the Plan are soundly based and are consistent with the requirements of the CSUCP. However, for effectiveness, **MM02** modifies the policy to refer to Appendix 1 which lists the employment sites, while **MM64** is necessary for effectiveness to correct an error in the remaining net developable land at MSGP1.18 Princesway North and to be consistent with the overall figure for net developable land in Policy MSGP1.

#### *Protection of employment land*

32. Policy CS5 of the CSUCP confirms the importance of the Team Valley Trading Estate for advanced manufacturing and engineering and Follingsby for distribution and logistics. Policy MSGP2 defines Team Valley Trading Estate and Follingsby as KEA and requires B1a office development within the Team Valley Trading Estate KEA to demonstrate an operational reason for locating there. This approach is consistent with CSUCP Policies CS2, CS5 and CS6 which prioritise the Urban Core for the delivery of office development. In order to be effective, **MM03** amends the policy to refer to the representation of the KEA on the policies map.
33. The Team Valley Trading Estate KEA includes a largely vacant site, the former Minorities site, at the junction of Dukesway and Tenth Avenue West. Adjacent to Team Valley Retail World, the site has a history of unimplemented retail permissions. Indeed, the Council's ELR recognises that aspirations have been expressed for the site to be developed for retail use and suggests that the site would be suitable but not available for employment use.
34. However, the Council has put the site forward for employment allocation on the basis that there are few vacant sites suitable for development within the Team Valley Trading Estate KEA, that there is relatively strong demand for B class uses within the Team Valley Trading Estate, and that to remove the site from the allocation would undermine the Team Valley Trading Estate's strategic and economic importance for manufacturing uses and economic growth in the region. Paragraph 120 of the Framework states that planning policies and decisions should reflect changes in demand for land, and that sites should be reallocated as part of plan updates for more deliverable uses that can help to address identified needs. In the absence of evidence of unmet demand for retail uses in Gateshead and given the Team Valley Trading Estate's strategic importance for employment, the former Minorities site should remain part of the Team Valley Trading Estate KEA allocation.
35. Policy MSGP3 identifies MEA and LEA for B1b, B1c, B2 and B8 uses. It is necessary to amend the policy to refer to MEA and LEA in the opening sentence of the policy and to clarify that the sites are indicated on the policies map. These changes are necessary for clarity and effectiveness (**MM04**).
36. Policy MSGP4 seeks to ensure that land within KEA and MEA is protected for employment purposes. The marketing requirements were questioned in terms of their length, with particular reference to KEA. However, given it is not

expected that sites would have to be vacant prior to marketing taking place and that the marketing period reflects the known average period for marketing business premises within KEA, as noted in the Council's ELR, I consider this approach to be justified.

37. Additionally, **MM05** and **MM06** respectively amend Policy MSGP4 and its supporting text to refer to a new Appendix of the Plan with regard to the marketing of sites and **MM65** provides that Appendix on marketing requirements. The changes clarify the way in which the policy should be interpreted and implemented and are necessary to ensure effectiveness.
38. With regard to the potential to widen the range of uses within KEA and MEA to uses outside the relevant parts of B1, B2 and B8 referred to in Policies MSGP2 and MSGP3, Policy MSGP4 provides sufficient flexibility for complementary uses such as small-scale retail and service uses within the KEA and MEA and is sound in this respect. However, in order to be effective, **MM07** should be added to the supporting text of the policy to refer to the need for relevant assessments such as air quality or flood risk to be carried out for relevant complementary uses proposed in employment areas.

#### *Tyne Marshalling Yard*

39. Located within the Green Belt between Gateshead's urban area, Birtley, Washington, and Chester-le-Street, the Tyne Marshalling Yard lies on the East Coast main railway line. Following rationalisation of operations, the site offers scope for specialist rail-freight related development. Policy MSGP5 seeks to ensure that rail-related development is supported on site, subject to a number of criteria, including evidence that the proposed use cannot be accommodated on another site within the North East Local Enterprise Partnership area outside the Green Belt and that very special circumstances would clearly outweigh any harm to the Green Belt. Given the potential for the use of Tyne Marshalling Yard for rail freight to reduce the requirement for road-based freight and the scope to enhance economic growth in Gateshead, the policy is consistent with the CSUCP's strategic objectives and with national policy.

#### *Targeted recruitment and training*

40. CSUCP Policy CS5 seeks to develop a diverse economy with accessible employment, by amongst other things, attracting and supporting a skilled labour force and improving skills and access for local people to job opportunities including through targeted recruitment and training. Policy MSGP6 seeks to ensure that targeted recruitment and training is delivered to improve skills and access for local people to job opportunities.
41. While Policy MSGP6 specifies the threshold for targeted recruitment and training of all major developments, the supporting text to the policy confirms that all major developments, excluding housing schemes of one hundred or fewer units, would be expected to make provision for targeted recruitment and training. At the hearings, the Council advised that the policy and supporting text should be amended to refer to the exclusion of housing proposals for fewer than 30 residential units as this represents the minimum number of units required to support one apprentice on a site.

42. Aside from these inconsistencies, it is not clear what the amount or form of contributions would be expected to be from major developments and how the contributions would relate to those major developments in planning terms. Additionally, the Council's viability work does not identify any specific allowance for targeted recruitment and training. Although I acknowledge the benefits of such initiatives, the policy is not justified, effective or consistent with national policy. As such, Policy MSGP6 and its supporting text should be deleted (**MM08**).

#### *Retail and leisure development*

43. Supporting Policy CS7 of the CSUCP, Policy MSGP7 deals with change of use from retail to other uses in District and Local Centres. The hierarchy of centres remains as set out in CSUCP Policy CS7, but the boundaries of centres have been subject to change as a result of the findings of the Council's District and Local Centre Health Checks work up to 2017. Subject to **MM09** to refer to the District and Local Centres being shown on the policies map for effectiveness, the policy sets out a positive, effective and justified approach to District and Local Centres which is consistent with national policy. The boundary of the Blaydon District Centre is justified and there is no evidence to support an extension of the centre to include land at Chainbridge Road.
44. Policy MSGP8 requires retail and leisure proposals outside designated centres to consider their impact on the vitality and viability of existing centres. In line with paragraph 9.32 of the supporting text to CSUCP Policy CS7 which defines the retail hierarchy for Gateshead, Policy MSGP8 sets a threshold of 500 square metres above which a retail and leisure impact assessment will be required. This is significantly lower than the default threshold of 2,500 square metres at paragraph 89 of the Framework.
45. Gateshead has a wide range of out of centre retail and leisure floorspace, including long-established retail and leisure destinations at the Metrocentre and Team Valley Retail World. The Council's District and Local Centre Health Checks Addendum 2017 indicates that a number of existing District and Local Centres in Gateshead are 'at risk' and are underperforming, or are considered to be poor performing centres. The Council's Local Floorspace Threshold for the Assessment of Impact – 2018 Update considered a range of local factors including size of existing units within centres, existing floorspace outside centres, recent planning applications, and future planned development. Given the evidence, I consider that the lower threshold would be justified by local circumstances in order to protect against adverse impacts on the vitality of centres. However, to ensure clarity and to be effective, **MM10** is necessary to provide an understanding of the Council's expectations with regard to leisure proposals.
46. Policy MSGP9 seeks to ensure that physical infrastructure is integrated in development to allow access to digital communications infrastructure. Notwithstanding the requirements of Part R of Building Regulations on electronic communications and the Government's intentions in streamlining planning processes, paragraph 112 of the Framework confirms that planning policies should set out how high quality digital infrastructure is expected to be delivered and upgraded over time. This should include access to services from a range of providers and should prioritise full fibre connections to existing and

new developments as these connections will, in almost all cases, provide the optimum solution. Subject to the amendment to the supporting text contained in **MM11** which is necessary to ensure effectiveness, I consider that the policy approach is consistent with national policy and is justified.

### *Conclusion on Issue 1*

47. Subject to the MMs set out in the paragraphs above, the Plan sets out policies for employment provision and retail and leisure development, which are positively prepared, justified, effective and consistent with the CSUCP and national policy.

### **Issue 2 – Is the Plan's approach to the scale and distribution of housing and the supply of housing justified by the available evidence and consistent with the CSUCP?**

48. The CSUCP requirement for Gateshead is for a minimum of 11,000 new homes (gross) from 2010 to 2030 as set out in Policy CS10. With forecast losses, the net figure is 8,500 new homes. CSUCP Policy CS10 sets out a staggered approach to delivery across the plan period, with the highest rate of delivery in Gateshead expected between 2020 and 2025.
49. Although Newcastle and Gateshead have separate overall figures for housing within CSUCP Policy CS10 and this Plan is being considered in light of the CSUCP requirement for Gateshead itself, the supporting text to CSUCP Policy CS10 breaks down the spatial distribution of housing across the two authorities with 12.5% of housing to be provided in the Urban Core; 73% in the Neighbourhood Areas; and 14.5% in the Rural and Village Areas.
50. The spatial distribution of sites for new homes in Gateshead in the CSUCP is split across the Urban Core within Gateshead, Neighbourhood Areas at MetroGreen (850 homes) and Dunston Hill (530 homes), Village Growth Areas at Chopwell (305 homes), Crawcrook (370 homes), Highfield (70 homes), High Spen (174 homes), Kibblesworth (225 homes), Ryton (550 homes), and Sunniside (138 homes). The CSUCP altered the boundaries of the Green Belt in allocating a number of these strategic sites. The strategic sites allocated in the CSUCP are not before me in this examination.
51. In addition to the CSUCP allocations and the forthcoming MetroGreen Area Action Plan, the Plan identifies housing allocations in Appendix 2 to contribute to the housing requirement over the plan period. Over and above the four sources of supply which will make up the Development Plan, known and estimated homes from other sources, including windfall, have been factored in by the Council.
52. The Council's Housing Supply Topic Paper (January 2020) (the Topic Paper) identifies that the residual CSUCP requirement at 2019 stood at 6,081 dwellings. The Topic Paper identifies potential for 4,072 homes within CSUCP allocations as a whole, while MetroGreen would provide for 850 homes. Further known specific, but unallocated sites in the Urban Core and elsewhere in the borough would exceed 230 homes, while the Council anticipates an additional 300 homes in Baltic Quarter and Felling Town Centre developments.

This would result in a remaining requirement of 629 homes to be dealt with through allocations in this Plan.

53. In terms of windfall development, the CSUCP windfall assumption was 50 dwellings per year, but the Council has lowered this assumption to 25 dwellings per year. This is due to changes in the lowest site size in the Gateshead Strategic Housing Land Availability Assessment Update 2018 (SHLAA), which now has a minimum site size of three dwellings. Based on the information before me, this approach would be cautious as there is evidence that windfall figures have generally been higher than 25. Windfalls have proved to be a reasonable source of supply and this is likely to continue in the future as the Plan provides scope for windfall development to come forward. Windfall figures have been factored into the trajectory.
54. The Plan, subject to amendments to site capacities addressed later in this report, would make provision for approximately 2,789 homes within allocations set out in Policy MSGP10 and Appendix 2. While this exceeds the residual CSUCP requirement even if known specific, but unallocated sites were not factored in, it provides flexibility to ensure an adequate supply of housing in the event that sites are delayed or do not come forward. The scale of housing proposed would therefore be sufficient to meet the minimum strategic requirement. While the Plan sets out the likely capacities of individual site allocations in Appendix 2, **MM12** is necessary for effectiveness to set out the overall total indicative capacity resulting from allocations in Policy MSGP10.
55. Turning to the issue of delivery, it is acknowledged that the CSUCP's strategic sites across the borough have not been delivering new homes as quickly as envisaged and Gateshead has experienced undersupply of housing between 2010 and 2019. The Council confirmed in January 2020 that it could only demonstrate a 4.37 year supply in the context of the CSUCP requirement. Though improving, the Council's housing supply figure based on a 2020 base date would not exceed five years at the point of adoption.
56. The Council has confirmed that there have been delays on strategic Green Belt sites due to land ownership issues. Development is expected to commence soon on some of these larger sites, following on from sites at Crawcrook and Sunnyside where development is well underway. Just under 50% of the CSUCP housing allocations have planning permission or are awaiting completion of planning obligations.
57. The Plan seeks to allocate over 100 predominantly medium and small housing sites across the vast majority of the borough's 22 wards. Concern has been raised about the delivery of the Plan's sites as many of them are small or medium-sized brownfield sites. Having visited the sites during the examination, I saw that a large number of the sites were already under construction. Many of the sites are within the Council's ownership. In delivering some of these sites via the Gateshead Regeneration Partnership (a joint venture between the Council, Home Group and Galliford Try), the Council is working with Homes England. Any funding agreement is subject to milestones for delivery, which assists in providing certainty that development will come forward. Additionally, the Council has set up a trading company to build homes on its own land.

58. The Council's Housing Delivery Test Action Plan (August 2019) also sets out a number of measures to assist delivery in the borough on smaller sites, including allocation of more small sites for small and medium-sized homebuilders, provision of small sites on the Brownfield Register, and use of Permission in Principle and Development Frameworks to set out parameters for development. The Council has altered its approach towards the delivery of advice on planning applications and conditions, in order to streamline consultee involvement and ensure that discharge of conditions does not prevent timely delivery on site.
59. While there is undoubtedly a preponderance of brownfield sites in the Plan, this mixture and choice of allocations should be viewed positively alongside large greenfield sites in villages and on the edges of urban areas and more urban high-density sites to be found in the CSUCP. Taken together, the Plan and allocations within the CSUCP provide a range of sites which provide choice within the housing market for both housebuilders and consumers. Over 20% of the Plan's housing would be accommodated on sites of one hectare or less in line with paragraph 68 of the Framework.
60. Despite delays in delivery of strategic sites and doubts about the delivery of sites in this Plan, there are a number of reasons why, in the particular circumstances and context of this Plan, it is not necessary for additional housing sites to be allocated in this Plan in order for it to be sound. Firstly, the Council put forward 27 additional housing sites as part of their Matter 4 hearing statement. None of these potential housing sites were subject to public consultation and did not form part of the Plan as submitted. However, most of these sites already benefit from planning permission and can be counted within the trajectory as supporting overall supply. Secondly, this is only one part of the Development Plan and there is scope for other Development Plan documents to address the deficit in supply, as the MetroGreen Area Action Plan is currently being developed. Thirdly, if considered in light of the local housing need figure calculated using the standard method of 447 homes per annum, this would result in the Council having a five year supply of housing land.
61. Bearing in mind the requirement for Local Plans to be reviewed every five years, I have also considered whether it would be appropriate to include policy text within the Plan requiring review to support the delivery of housing sites. However, the Plan before me deals with non-strategic policies and allocations. It is evident that a number of these non-strategic sites are delivering already. If the CSUCP's strategic allocations continue to fail to deliver housing at the anticipated rate, it would likely be a matter for the Council to consider a review of the CSUCP's strategic policies and allocations in the first instance, rather than looking to make further non-strategic allocations through review of this Plan. This would avoid the possibility that further non-strategic allocations would be inconsistent with the CSUCP's strategy.
62. In these particular circumstances, there would be little benefit from delaying the Plan's adoption, increasing the uncertainty around already allocated sites, and potentially preventing housing delivery. The Plan would provide additional housing supply and certainty with regard to allocated sites in the borough. As

a result, the Plan would fulfil its objectives of facilitating the delivery of CSUCP Policy CS10 to meet housing needs for the plan period and supporting the spatial strategy set out in the CSUCP. There is not the evidence before me to justify a significant further increase in the number of dwellings to be provided through non-strategic allocations in the Plan.

63. My conclusions on the overall site assessment process are set out below. Following that, the report addresses matters relating to a number of the allocations in the Green Belt or proposed for release from the Green Belt. Finally, this section of the report covers groups of allocations outside the Green Belt where I consider that MMs are necessary for reasons of soundness.
64. For the avoidance of doubt, not all housing allocations in the Plan are referred to. In such cases, having taken into account all the evidence and representations before me, I am satisfied that the proposals are soundly based and capable of being developed to their indicative timescale.

#### *Site Assessment*

65. The general process of site selection was set out in the Council's SHLAA 2017 and 2018. No sites are allocated within the Plan in the Urban Core or within MetroGreen as this would overlap with the CSUCP allocations and the forthcoming MetroGreen Area Action Plan.
66. A number of sources were used to identify sites, including previous SHLAA data; sites with extant planning permissions, both unimplemented and under construction; Council-owned sites; a call for sites; sites within the Council's Brownfield Register; and sites identified by officer assessment. Sites were then considered in terms of their suitability, availability and achievability. This involved considering constraints to development as identified in the SHLAA. Some exclusionary constraints were applied in respect of greenfield Green Belt sites over and above those already allocated in the CSUCP, and a range of other environmental and heritage designations and constraints. Assessment of sites for flood risk was also undertaken at this stage. Locations considered unsuitable for development due to site-specific constraints were screened out at this stage and justification was provided in the SHLAA Schedule of Sites. Furthermore, sites not considered to be achievable, due to issues such as abnormal costs or significant viability issues, were ruled out at this stage.
67. The identified sites were then subject to sustainability appraisal at different stages in the plan-making process. Sites considered suitable after this assessment have been included in the Plan. The process has been thorough, and all sites have been considered on a consistent basis. Disputes about the Council's approach and findings are to be expected. These do not undermine the general site selection process in the context of the CSUCP.

#### *Housing site allocations within the Green Belt*

68. Paragraph 136 of the Framework confirms that once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries,

having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans. Paragraph 137 of the Framework requires that before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the Council should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development.

69. The CSUCP focussed on the release of larger land parcels identified through a Strategic Land Review, which assessed the extent to which those parcels contributed towards the Green Belt purposes. The CSUCP Inspector referred to scope for the Council to consider very minor Green Belt adjustments to release smaller sites at the next stage of plan preparation. It remains necessary for those proposed releases of land to be appropriately justified.
70. The Plan proposes removing sites MSGP10.25 Charlie Street, Greenside and MSGP10.26 Sealburns Farm, Greenside from the Green Belt and allocating them for housing development. The sites lie in elevated positions on different edges of the settlement of Greenside adjacent to open fields. Both sites contain buildings. Site MSGP10.25 contains a stable block and storage building, while site MSGP10.26 comprises a collection of farm buildings. The Council estimates that site MSGP10.25 has capacity for 3 dwellings, though the landowner considers that the capacity could be increased to 4 dwellings. Site MSGP10.25 has an extant planning permission for a single dwelling, smaller than the existing building on site. Site MSGP10.26 was considered to have capacity for 10 dwellings at the time that the Plan was submitted, though the Council has since confirmed that this should be reduced to 5 units.
71. The two sites would make a very minor contribution towards housing land supply within the borough. However, both sites have been previously developed, with some development having taken place since the Green Belt boundaries were defined, and make a very limited contribution to the openness and purposes of the Green Belt, with particular regard to safeguarding the countryside from encroachment. Exceptional circumstances to justify altering the boundary of the Green Belt in these specific locations therefore exist. Notwithstanding this, modifications are necessary for effectiveness to move anticipated delivery within the plan period in the case of MSGP10.25 and to increase the site size, reduce the site capacity, and amend the name of site MSGP10.26 (**MM66**).
72. Nine housing sites put forward for allocation in the Plan lie within the Green Belt and the Council proposes that they remain within the Green Belt. On four of the sites, development is already underway, while on two other sites planning permission has been granted, but work has not yet commenced. Three sites have not yet obtained either outline or full planning permission.
73. Situated within the heavily treed Axwell Park Estate and Conservation Area and within the Green Belt, the site at MSGP10.12 Axwell Hall has full planning permission for new build residential development adjacent to the Grade II\* listed hall and the conversion of the hall itself into apartments. The planning

permission has been partially implemented. Though deliverable, **MM66** is necessary for effectiveness to reduce the remaining site capacity of MSGP10.12 to reflect delivery which has occurred.

74. The site MSGP10.45 Washingwell Cottage is located within the Green Belt and the Whickham Conservation Area. The site at Washingwell Cottage is presently occupied by a single dwelling and large garden. The site offers scope for limited infilling or the partial or complete redevelopment of previously developed land, where it would not have a greater impact on the openness of the Green Belt. However, for effectiveness, the allocation should be modified to alter the site area, the site capacity and move the anticipated delivery of development back within the plan period (**MM66**).
75. Sited within the Green Belt and within the Whickham Conservation Area and close to the Grade II\* listed Dunston Hill Mansion, site MSGP10.47 comprises disused hospital buildings and grounds. Outline planning permission DC/13/00195/OUT was granted in 2016 for 35 dwellings and reserved matters applications have been submitted. The site comprises previously developed land where there is scope for development which would not have a greater impact on the openness of the Green Belt. Therefore, the allocation would be sound subject to a modification for effectiveness to move the anticipated delivery within the plan period (**MM66**).
76. Site MSGP10.65 High Eighton Farm lies on the edge of the built-up area of Harlow Green within the Green Belt. High Eighton Farm contains a number of existing farm buildings and adjoins a road which forms the Green Belt boundary, but is surrounded on three sides by fields. There is scope for conversion of the existing buildings or redevelopment of the site which would not adversely affect the openness of the Green Belt or the purposes of including land in Green Belts.
77. Located in the countryside within the Green Belt, MSGP10.69 Hedley Hall Cottages has previously been used for holiday lets. A certificate of lawfulness DC/15/01052/CPL exists for conversion of the holiday lets to residential use, and this conversion is underway. For effectiveness, a modification is necessary to reduce site capacity from 4 dwellings to 3 dwellings as one dwelling has already been converted (**MM66**).
78. Located within the Marley Hill settlement envelope, the Marley Hill Conservation Area and the Green Belt, the site at MSGP10.103 Marley Hill School comprised former primary school buildings and playing fields until recently. The site has planning permission for conversion of the school building to two dwellings and the erection of 20 further dwellings. Development is underway on site. However, for effectiveness, it would be necessary to modify the allocation to amend a factual error in the site area and to reflect the remaining capacity of the site (**MM66**).
79. The site at MSGP10.106 The Grange, Marley Hill is situated within the Green Belt inside the settlement envelope for Marley Hill and within the Marley Hill Conservation Area. It is open, sloping land edged by trees, which has houses and their gardens on two sides. Though the site previously had planning permission for three dwellings, it has an extant planning permission for the

erection of six dwellings. For effectiveness, the allocation should be modified to increase the site capacity to six dwellings and to move the delivery of the site into 2020 – 2025 (**MM66**).

80. Located in the countryside outside the settlement of Winlaton, the site at MSGP10.108 Former Winlaton Care Village formerly housed a hospital and subsequently a care home. It has planning permission for 33 dwellings and is under construction with some of the houses occupied. However, in the interests of effectiveness, the allocation should be amended to refer to the gross site area rather than the net site area and to reduce remaining capacity from 25 to 3 units (**MM66**).
81. The site at MSGP10.110 Hookergate School contains a substantial complex of buildings which formerly comprised a secondary school. The site lies within an area of high and very high landscape sensitivity in the Green Belt close to the settlement of High Spen. It is a Council-owned site, which is on the Council's Brownfield Register. The site comprises previously developed land where there is scope for development which would not have a greater impact on the openness of the Green Belt. Therefore, the allocation would be sound subject to modifications to alter the site area, increase the site's capacity to 50 dwellings and move the anticipated delivery within the plan period (**MM66**).
82. Site boundary adjustments are necessary for allocations MSGP10.81 East Grange, Ryton and MSGP10.114 Land West of Beda Hill, High Spen, as areas of Green Belt were included within their respective site boundaries in error. As a result, **MM66** alters the site areas of sites MSGP10.81 and MSGP10.114 in order to be effective.

#### *Other housing site allocations*

83. In relation to the gross site areas of residential allocations set out in Appendix 2 of the Plan, it is evident that a number of factual errors occurred in measuring sites, while not altering their depiction on the policies map. As such, in the interests of effectiveness, it is necessary to modify those site areas (**MM66**).
84. In the instance of site allocation MSGP10.124 Kingston Road north side, this allocation erroneously included existing housing which would not be redeveloped. The site allocation has been reduced in size to address this error in the interests of effectiveness (**MM66**).
85. Furthermore, there are a number of instances where the expected rate of delivery of sites has changed since the submission of the Plan. To ensure effectiveness, a modification to Appendix 2 of the Plan is necessary to alter the indicative delivery of some site allocations (**MM66**).
86. Additionally, the capacity of some sites has increased or decreased since the Plan's submission, often as a result of planning applications being submitted and granted or due to the production of site Development Frameworks by the Council. Modifications to some residential allocations set out in Appendix 2 of the Plan are necessary for effectiveness to reflect changing circumstances in site capacities (**MM66**). With specific regard to site MSGP10.8, the capacity and the site boundary was altered due to a change in circumstances for part of

the site. Furthermore, the name of site allocation MSGP10.112 Hallgarth Mews was mislabelled and has been amended for effectiveness (**MM66**).

87. Some sites would no longer be suitable for residential development of three units or more, or residential planning permissions for these sites have expired and it is not possible to confirm that they would be either deliverable or developable. For effectiveness and in order to be justified, it is necessary to delete proposed allocations MSGP10.10; MSGP10.20; MSGP10.35; MSGP10.42; MSGP10.55; MSGP10.76; and MSGP10.111 (**MM66**).
88. A number of sites across the borough have been fully developed for residential development and it is no longer necessary to allocate these sites for residential purposes for effectiveness as delivered housing units have been factored in as completions. Allocations MSGP10.28; MSGP10.52; MSGP10.74; and MSGP10.89 should therefore be deleted (**MM66**).

#### *Conclusion on Issue 2*

89. Overall, I am satisfied that the Plan's approach to the scale and distribution of housing and the supply of housing is justified by the available evidence and would be consistent with the CSUCP.

### **Issue 3 - Does the Plan provide positively prepared policies for housing standards and for housing for specific groups, which are justified, effective and consistent with the CSUCP and national policy?**

#### *Housing standards*

90. Policy MSGP11 seeks to ensure that new homes are flexible and adaptable to meet the needs of the borough's population by requiring new housing developments of 15 dwellings or more to provide 25% of all new homes built to Accessible and Adaptable Standard (M4(2)), while Policy MSGP13 sets out the requirement for new housing to comply with the Nationally Described Space Standard (NDSS).
91. Though housing accessibility standards have altered since the introduction of the Government's optional technical standards, I consider these policies to be generally consistent with the aims of CSUCP Policy CS11 which encourages the provision of Lifetime Homes and Wheelchair Accessible Homes, provision of adequate internal and external space, and increasing choice of suitable accommodation for the elderly population and those with special needs.
92. The Gateshead and Newcastle upon Tyne Strategic Housing Market Assessment 2017 (SHMA) confirms that Gateshead's population is likely to increase by approximately 9,550 persons to 2030. The SHMA projects an increasingly ageing population in that time, with over 100% of overall net population growth projected to be 65 or over and 65% expected to be aged over 75. This is due in part to an expected fall in the number of younger people living in Gateshead. The 2019 Supplement to the SHMA on Housing for People with Disabilities (the SHMA Supplement) outlines that around 10,900 households living in Gateshead in 2015 had a health problem that already affected their housing requirement, and that it is likely that a further 4,340 households in Gateshead would develop health problems within 10 years.

These households would also require adaptations to their current home or would need to move to a more suitable home.

93. Furthermore, based on Public Health England profiles set out in the SHMA, Gateshead, though generally comparable with other parts of the North East, has higher levels of deprivation and public health problems, and lower life expectancy than England as a whole. The SHMA outlines considerable spending on Disabled Facilities Grants for the adaptation of existing homes in Gateshead to meet residents' needs, and confirms that over 10% of the Council's Housing Needs Register in March 2017 were registered as needing to move for welfare or disability reasons, including those households registered as having an urgent or substantial need.
94. The SHMA Supplement also indicates that the English Housing Survey identifies close to 50% of existing stock which would not be adaptable or which would require major works to be visitable. The SHMA Supplement indicates a minimum need for adapted housing of 7,435 households between 2015 – 2030. Based on the evidence before me, I consider that there is a clear need for the provision of accessible and adaptable housing.
95. Although the evidence before me does not demonstrate that the existing housing stock across Gateshead as a whole is made up of particularly small dwellings, the SHMA and An Analysis of Space Standards in Gateshead 2016 indicate that, based on analysis of four case study sites with new build house types, including postal surveys of residents and electronic surveys of developers and analysis of 44 residential planning applications between 2012 and 2015, 36% of those house types surveyed did not meet the NDSS. With regard to units delivered based on house type within the study, only 50% met the NDSS. Almost 50% of residents considered that some or all of their rooms should be bigger. Based on the case studies, it appears that two and three-bedroom properties were least likely to meet the NDSS.
96. While there is only relatively limited evidence that those living in these smaller two and three-bedroom homes are dissatisfied with their living conditions, I am concerned that if this trend were to continue over the plan period, it would result in more smaller family homes being provided, which would be likely to adversely affect the quality of life of future occupiers. It would also risk undermining CSUCP Policy CS11 which seeks to provide a good range and choice of accommodation, including 60% of new private housing being suitable for and attractive to families. There is therefore justification for the inclusion of the NDSS in the Plan on the grounds of need.
97. It is also necessary to consider the effect that the requirements of Policies MSGP11 and MSGP13 would have on the viability of residential development as policy requirements should be set at a level that takes account of affordable housing and infrastructure needs and allows for the planned types of sites and development to be deliverable, without the need for further viability assessment at the decision making stage<sup>1</sup>.

---

<sup>1</sup> PPG Paragraph 10-002-20190509

98. The Council's Viability and Deliverability Report 2018 includes modelling of hypothetical residential sites, ranging between 15 and 100 units and reflecting different densities and mixes of house types. The typologies cross different residential viability profile areas (VPA), covering urban and non-urban sites, and have been tested at 10%, 25%, 50% and 90% for M4(2). All residential sites were assumed to meet the NDSS requirements.
99. As the Inspector who examined the CSUCP noted, a key area of concern remains the deliverability of sites within the Low and Low Mid VPA, where viability is challenging. However, many of the sites in these VPA are in public ownership. The Council has made a commitment to bringing sites forward through a range of mechanisms, including joint venture partnerships and Council delivery of housing. Indeed, there is evidence of delivery of housing on sites across Gateshead in these lower VPA. Given the Council's ability not to always require the best financial reward and the presence of local developers with low-cost delivery models, it is reasonable to conclude that it is likely that these sites will be delivered.
100. While concerns have been expressed by the development industry with regard to the Council's evidence base, I consider that the Council has adequately justified the M4(2) requirement and the NDSS in the Plan and that the viability conditions in the lower VPA would not unreasonably undermine the general direction of the policies and their effectiveness. Any effect on the affordability of housing would not be significant given the limited number of dwellings affected compared to the size of the overall housing stock.
101. In terms of timing, to be consistent with the advice set out in the PPG<sup>2</sup>, it may be necessary to provide a transitional period to allow for the implications of Policy MSGP13 to be accounted for in future land acquisitions. Given the length of time which has elapsed since proposed submission consultation on the Plan, the development industry has been aware of the potential for such a policy to be applied for some time. Nevertheless, the policy should come into effect one year from the Plan's date of adoption. This is set out in the supporting text to Policy MSGP13.
102. Notwithstanding my findings, there are detailed issues of soundness with regard to Policies MSGP11 and MSGP13. A modification is necessary for effectiveness to amend Policy MSGP11 to refer to 25% of dwellings (**MM13**), while **MM14** amends the supporting text to Policy MSGP11 in order to be justified and consistent with national policy and guidance with regard to the imposition of the M4(2) requirement. For effectiveness, **MM14** also amends the supporting text of Policy MSGP11 to clarify the Council's approach to provision of M4(2) homes. The supporting text to Policy MSGP13 should be amended for effectiveness to clarify how the Council would implement the NDSS (**MM16**).

#### *Housing for specific groups*

103. Policy MSGP12 addresses the provision of specialist and supported accommodation. In doing this, it is consistent with Policies CS9 and CS11 of

---

<sup>2</sup> PPG Paragraph 56-020-20150327

the CSUCP which respectively seek to maintain a range of housing types, including family housing, and to increase the choice of accommodation for the elderly and those with special needs. Furthermore, the Council is actively working with a specialist housing association to deliver larger family homes in the centrally located Bridges, Saltwell and Lobley Hill and Bensham Wards to address specific local need.

104. It is necessary to modify the supporting text to Policy MSGP12 for effectiveness to make it clear how the Council will deal with any necessary occupancy restrictions for people with specific accommodation needs (**MM15**).

#### *Housing density*

105. Policy MSGP14 deals with housing density and sets a net density threshold of 20 dwellings per hectare unless there is a shortage of lower density housing to meet demand or factors such as townscape and heritage indicate that lower density development may be appropriate. The policy appears to be applicable on a borough-wide basis.

106. The Council acknowledges in the supporting text to the policy that there is a potential shortage of housing land to meet needs. It is therefore especially important that planning policies and decisions avoid homes being built at low densities. However, it is not clear how the net density of 20 dwellings per hectare has been selected and how it would be employed across the borough, including in town centres, other locations well-served by public transport, and other parts of the plan area, in addressing the requirements of paragraph 123 a) of the Framework. Furthermore, it has not been demonstrated that the minimum density standards set by the policy seek a significant uplift in the average density of residential development within town centres and other locations well-served by public transport, or that there are strong reasons why this would be inappropriate. Accordingly, I am not persuaded that the policy is supported by local evidence and that it would be appropriate for use across the borough. **MM17** deletes the policy and its supporting text as it would not be justified, effective, or consistent with national policy.

#### *Student housing schemes*

107. Policy MSGP15 seeks to ensure that student housing schemes are located within walking distance of higher education institutions or close to good quality public transport provision to reach the higher education institutions. For effectiveness, **MM18** amends the policy to clarify the locational requirement as being within Gateshead's Urban Core as defined in the CSUCP.

#### *Conclusion on Issue 3*

108. Subject to the MMs set out above, the Plan provides positively prepared policies for housing standards and for housing for specific groups, which are justified, effective and consistent with the CSUCP and national policy.

#### **Issue 4 – Is the Plan's approach to transport and accessibility positively prepared, justified, effective and consistent with national policy?**

109. Policy MSGP16 sets out reasonable requirements for transport assessments and statements and travel plans for developments which are likely to have significant impacts on the transport network. The policy is consistent with national policy at paragraphs 108 and 111 of the Framework and with CSUCP Policy CS13 which seeks to ensure that development which generates significant movement is located where the use of sustainable transport modes can be maximised. While provisions for travel plans should be proportionate, the PPG<sup>3</sup> also confirms that travel plans are long-term management strategies for integrating proposals for sustainable travel into the planning process. As a result, they may vary in longevity dependent on the nature of the development that they relate to. Subject to **MM19** to clarify the requirements of criterion 2 of the policy with reference to the potential need for change to the travel plan as circumstances change over time, the policy would be effective.
110. Policy MSGP17 seeks to ensure that new development is designed to incorporate adequate parking and servicing and to prioritise sustainable travel. In ensuring consistency with paragraph 109 of the Framework, an amendment to criterion 2 of the policy is necessary to refer to unacceptable impacts (**MM20**).
111. The car parking requirements set out within Policy MSGP17 and supporting Appendices 3a and 3b and the reference to parking within Policy MSGP19 would be consistent with one another. Policy MSGP17 requires provision of car parking for residential development to the levels set out in Appendix 3a, while limiting the car parking for non-residential development in line with Appendix 3b. The standards are flexible in encouraging lower provision in areas where there is good accessibility by sustainable modes of transport. They are reasonable and justified, and represent an approach which has been in place for a number of years and has allowed for the delivery of development.
112. However, modifications to Appendix 3a are necessary for effectiveness to delete reference to Council design guidance which has been superseded (**MM67**, **MM69** and **MM70**) and to make the electric vehicle charging requirements consistent with CSUCP Policy CS13 (**MM68**).
113. Cycle parking standards are referred to in criterion 5e of Policy MSGP17 and are provided in Appendix 4 of the Plan. Prior to their inclusion in the Plan, the cycle parking standards, including both short and long stay provision, formed part of the Gateshead Cycling Strategy 2015, which was subject to public consultation. Differentiating between short stay and long stay cycle parking requirements is justified as user expectations will vary dependent on the length of time and frequency with which cycle parking is to be used. I consider that the Council's approach would be consistent with paragraph 104 d) of the Framework. However, in the interests of effectiveness, **MM71**, **MM72**, **MM73** and **MM74** to Appendix 4 are necessary to be clear and consistent with Appendix 4 itself and to provide advice on storage and parking provision.

---

<sup>3</sup> PPG Paragraph 42-003-20140306.

114. Policy MSGP18 safeguards land at specific locations indicated on the policies map for transport improvements across the borough. A modification is necessary for effectiveness to delete MSGP18.6 Heworth Roundabout Improvements as these works have been completed (**MM21**).

*Conclusion on Issue 4*

115. Subject to the MMs outlined above, the Plan's approach to transport and accessibility would be positively prepared, justified, effective and consistent with national policy.

**Issue 5 – Is the Plan's approach to the environmental and health impacts of development positively prepared, justified, effective and consistent with the CSUCP and with national policy?**

*Residential amenity*

116. Policy MSGP19 addresses residential amenity. Several changes are necessary to Policy MSGP19 and the supporting text to ensure effectiveness and consistency with each other. These changes include referring to outlook; ensuring continuity of approach towards both existing and future occupants of land and buildings throughout the policy and in the supporting text; considering the proximity of new development to existing permitted facilities; and replacing the words 'adverse' in the policy and 'significant adverse' in the supporting text with 'unacceptable' (**MM22**). I consider that the policy is sufficiently flexible, subject to the aforementioned MM, to allow for consideration of the specific amenity needs of larger households and minority groups within the borough, where relevant.

*Noise*

117. Policy MSGP20 on noise is consistent with the Framework. Notwithstanding this, the supporting text to Policy MSGP20 should be modified for effectiveness to refer to and be consistent with the relevant guidance on noise (**MM23**).

*Air quality*

118. Policy MSGP21 deals with air quality. In order to ensure effectiveness and to clarify how the policy will be implemented, the supporting text to Policy MSGP21 should be amended to refer to relevant guidance (**MM24**).

*Land contamination and land instability*

119. Policy MSGP22 addresses land contamination and land instability. In the interests of effectiveness, the supporting text to Policy MSGP22 should be modified to refer to the appropriate guidance (**MM25**).

*Hazardous installations*

120. Policy MSGP23 deals with hazardous installations. Appendix 5 of the Plan should be modified to provide the appropriate consultation zone for Tor Coatings, Follingsby Lane, Follingsby (**MM75**) for effectiveness, while the

supporting text to Policy MSGP23 should be altered to make reference to the appropriate Regulations, guidance, and consultation zones for hazardous installations (**MM26**).

#### *Air safeguarding*

121. The Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002 (Circular 01/2003) officially safeguards certain civil aerodromes, based on their national air transport importance. Newcastle International Airport falls within the officially safeguarded civil aerodromes list at Annex 3 of the Circular.
122. Annex 2 of the Circular confirms that Local Plans should include a policy stating that officially safeguarded areas have been established for a particular airport; that certain planning applications will be the subject of consultation with the operator of that aerodrome; and that there may be restrictions on the height or detailed design of buildings or on development which might create a bird hazard. The outer boundary of safeguarded areas should be indicated on policies maps accompanying Local Plans. A Local Plan should state why an area has been safeguarded and that it is neither the responsibility nor the proposal of the Local Planning Authority.
123. In order to properly address aerodrome safeguarding, a new policy and supporting text (**MM27**) are necessary to be consistent with the requirements of the Circular.

#### *Conclusion on Issue 5*

124. Subject to the MMs set out above, the Plan's approach to the environmental and health impacts of development is positively prepared, justified, effective and consistent with the CSUCP and with national policy.

### **Issue 6 – Is the Plan's approach to the historic and built environment positively prepared, justified, effective and consistent with the CSUCP and with national policy?**

#### *Areas of Special Character*

125. Policy MSGP24 addresses Areas of Special Character, which have particular townscape or environmental qualities worthy of being maintained or enhanced. Further guidance on many of the Areas of Special Character is available within the Council's adopted Placemaking Guide Supplementary Planning Document (SPD). The Council has confirmed that it will update the SPD following the Plan's adoption to include three additional Areas of Special Character. The importance of the Areas of Special Character has been appropriately evidenced. Subject to **MM28** to make reference to the policies map for effectiveness, the policy would be sound.

#### *Design quality*

126. In order to enhance green infrastructure, manage surface water and address climate change, CSUCP Policies GC1, SG1 and QB1 respectively require the provision of living roofs on major development on sites in Gateshead Central,

Southern Gateway, and Quays and Baltic Sub-Areas, where technically feasible.

127. Addressing design quality, Policy MSGP25 goes beyond the CSUCP policies and requires the incorporation of living roofs and walls in all development proposals. This requirement of the policy has not been factored into the Council's viability work and its effect on viability is unknown. I therefore consider that criterion 1 f of the policy should be deleted as it is not justified (**MM29**). Additionally, for effectiveness and clarity, the policy should be amended to refer to the policies map for the visual representation of the key routeways set out in criteria 2 a - f of the policy (**MM29**).

#### *Conservation and enhancement of heritage assets*

128. Policy MSGP26 seeks to conserve and enhance heritage assets and sets out criteria against which development proposals will be considered. Criterion 2 of Policy MSGP26 should be modified for effectiveness to clarify that harm to significance includes, but is not limited to, proposals dominating a heritage asset (**MM30**). It is necessary to amend the supporting text to the policy to reinforce the importance of a positive strategy for the historic environment supported by the Plan and the CSUCP (**MM31**) and to ensure that the requirements of paragraph 185 of the Framework are met.

#### *Heritage at Risk*

129. Addressing heritage at risk, policy MSGP27 should be amended to reflect the need for visitor facilities at Gibside (**MM32**). This modification is necessary for effectiveness.

#### *Archaeology*

130. Policy MSGP28 looks to conserve and enhance the borough's archaeological legacy. With regard to the intention expressed in criterion 1 of the policy to preserve in-situ all nationally significant archaeological remains, a modification is required to clarify that substantial harm to or loss of such remains should be wholly exceptional. Furthermore, criterion 2 of the policy should be amended to clarify consideration of any public benefits, while reference should be made in the policy and supporting text to the deposit of archaeological recording and publication at the Tyne and Wear Archives (**MM33** and **MM34**). These modifications are necessary for consistency with national policy.

#### *Renewable and low carbon energy*

131. Policy MSGP29 provides criteria for assessing proposals for renewable and low carbon energy development. In order to ensure effectiveness and to be consistent with the policy, the supporting text should refer to cumulative impacts (**MM35**), and a further paragraph of supporting text should be inserted to provide clarity on mitigation measures (**MM36**).

### *Conclusion on Issue 6*

132. Subject to the MMs outlined above, the Plan's approach to the historic and built environment is positively prepared, justified, effective and consistent with the CSUCP and with national policy.

### **Issue 7 – Is the Plan's approach to the natural environment positively prepared, justified, effective and consistent with the CSUCP and national policy?**

#### *Flood risk management*

133. Policy MSGP30 sets out the Council's requirements for flood risk management in the borough. Although I consider that the policy is sufficiently flexible to be applied to different forms of development, **MM37** amends policy criteria 1 a and b for clarity and effectiveness in applying the policy's requirements.

#### *Water quality and river environments*

134. Policy MSGP31 seeks to ensure that quantity and quality of groundwater bodies is protected and enhanced in accordance with the Northumbria River Basin Management Plan. In order to be effective, an additional criterion 4) i should be included to address the need to deliver opportunities for sustainable river crossings and the supporting text to the policy should be amended to refer to avoiding the use of physical modifications and culverts to facilitate natural flow of waterbodies and free passage of fauna, refer to the appropriate SPD, and to ensure sustainable drainage maintenance arrangements and consideration of river morphology (**MM38**).

#### *Maintaining, protecting and enhancing green infrastructure*

135. Policy MSGP33 sets out requirements to maintain, protect and enhance green infrastructure throughout the borough. Viability testing undertaken by the Council included £2,000 per dwelling to cover various planning policy requirements, including the requirements of Policy MSGP33. I consider that this represents a reasonable approach. Furthermore, the policy is relatively flexible and pragmatic, consistent with Policy CS18 and a range of site-specific policies in the CSUCP, and it is clear from the policy and its supporting text that the Council recognises the multifunctional benefits of green infrastructure.

136. With regard to the benefits of utilising brownfield land, I consider that the policy is sound without the inclusion of specific reference to paragraph 118 of the Framework. However, **MM39** is necessary to amend the policy's supporting text for clarity and effectiveness with regard to Green Infrastructure Opportunity Areas and Gaps in the existing network.

#### *Countryside and landscape protection*

137. Policy MSGP34 seeks to provide a level of protection for areas of landscape within the borough commensurate with their status and importance. Given that proposals will need to be assessed to establish their impact on a particular landscape, if more recent evidence indicates that a parcel of land now has less landscape value than previously assumed, this change in

circumstance can be considered when determining individual planning applications, including in the balancing of benefits against the site's landscape character as set out in the policy. In these circumstances, I consider it would be disproportionate to require sites to be re-assessed through the production of a new landscape character assessment for the borough, particularly given the potentially significant delay which would arise as a result.

#### *Development in settlements within the Green Belt*

138. Policy MSGP35 sets development envelopes for a small number of settlements which are washed over by the Green Belt and allows for infill development in keeping with the scale and character of the relevant settlement. In order to be effective, the policy should be amended to refer to the policies map and Appendix 10 where the settlement envelopes are shown (**MM40**).

139. The Council has confirmed that proposals coming forward within the Green Belt and outside settlement envelopes would be considered in line with national policy. As the Plan should not aim to simply repeat the Framework, it is not necessary to set this out in detail. While changes were sought to settlement envelopes, I consider that the settlement envelopes are justified.

#### *Proposed Wardley Manor Country Park*

140. Policy MSGP36 seeks to provide a country park at Wardley/Red Barns. Since the Plan was submitted for examination, a planning application DC/16/00698/OUT for residential development has been approved on part of the area proposed for designation as a country park. As such, the area of land for the Wardley Manor Country Park has been reduced to reflect the red line boundary of the aforementioned planning application. For effectiveness, a modification is necessary to the policy to refer to the policies map (**MM41**) and to the supporting text (**MM42**) to clarify that a planning application has reduced the area of land available for the country park.

#### *Woodland, trees and hedgerows*

141. Policy MSGP37 aims to ensure that existing woodland, trees and hedgerows are appropriately protected. I consider that the policy provides sufficient flexibility for consideration of the quality of existing trees and woodland within development sites and would allow for the loss of existing trees and woodland only where the criteria are met. However, the supporting text to the policy should be amended to refer to tree and woodland planting to ensure resilience against disease and climate change (**MM43**). This modification is necessary to ensure clarity and effectiveness.

#### *Biodiversity and geodiversity*

142. Policy MSGP38 seeks to protect sites of biodiversity and geodiversity importance. A number of changes to the policy and supporting text are necessary to achieve clarity and effectiveness and ensure consistency with national policy (**MM44**, **MM45**, and **MM46**).

143. With regard to criterion 6 of the policy which addresses Wildlife Corridors, the corridors are based on a 500 metre zone on either side of each watercourse or

other linear feature that provides the basis of the corridor. The Council's Wildlife Corridors Document 2009 notes that the edges of the corridor are reduced, where appropriate, by up to 100 metres to follow a hard boundary such as a road or urban edge. As criterion 6 of the policy allows for the development of brownfield land subject to provision of suitable replacement land or other mitigation measures necessary to protect the value and integrity of a Wildlife Corridor, I consider that this approach is sound and no modification is necessary to render this part of the policy more flexible.

### *The River Tyne*

144. Policy MSGP39 sets out the Council's approach to protection and enhancement of the River Tyne, its banks and tributaries, and requires the provision of a continuous riverside route, the Keelman's Way. Running along the River Tyne, the Keelman's Way already exists in part, but significant gaps in provision remain. While doubt has been expressed about the deliverability of the route, I consider that the policy is justified and consistent with Policies UC3, QB1 and AOC2 of the CSUCP, and that the safeguarding of a buffer of between 10 and 30 metres is sufficiently flexible to allow for negotiation at the planning application stage, while maintaining and enhancing the importance of the river and its habitats. In order to be effective, the policy's supporting text should be amended to indicate this flexibility (**MM47**). Furthermore, and also in the interests of effectiveness, **MM47** clarifies the relevance of the UK Marine Policy Statement and sets out the importance of the River Tyne corridor for biodiversity. I have amended **MM47** to reflect that the vision document for the Tyne Estuary has now been prepared. This is a factual correction and does not alter the substance or meaning of **MM47** itself.

### *Open Space*

145. Policy MSGP40 seeks to ensure that open space is protected. Policy MSGP41 reflects evidence of supply of and need for open space, sports and recreational facilities contained within the Council's Open Space Assessment 2018, Playing Pitch Strategy and Action Plan 2016, and Indoor Sports Facilities Strategy and Action Plan 2016. Policy MSGP41 aims to ensure that residential development contributes to the provision of on-site open space, sports and recreation facilities. The requirements for such facilities have been duly considered by the Council's Viability and Deliverability Report 2018. Modifications to the policies, their supporting text and Appendix 17 (**MM48, MM49, MM50 and MM76**) are required for clarity, effectiveness, and consistency with national policy to make certain that sports and recreation facilities and open spaces of different types are protected or provided.

146. With regard to overlap between the Plan and CSUCP policies in relation to the neighbourhood and village growth area site allocations, these allocations include requirements to provide open space, sport and recreational facilities, where necessary. This requirement is consistent with national policy at paragraph 96 of the Framework. Site-specific discussions regarding the provision of facilities would be addressed through the development management process. The Council's Planning Obligations SPD (December 2016) sets out the formula used to calculate the anticipated number of residents for a new development.

### *Conclusion on Issue 7*

147. Subject to the MMs set out in the paragraphs above, the Plan's approach to the natural environment is positively prepared, justified, effective and consistent with the CSUCP and national policy.

### **Issue 8 – Is the Plan's approach to the provision of community facilities positively prepared, justified, effective and consistent with the CSUCP and national policy?**

#### *Saltwell School*

148. Policy MSGP43 Saltwell School site deals with the allocation of land at Avenue Road for educational purposes. At the hearings, the Council confirmed that planning permission has been granted (DC/19/00224/FUL) for development of a school and the site is under construction. As the policy is no longer necessary for effectiveness, the policy and its supporting text at paragraph 7.51 should be deleted (**MM51**).

#### *Community Facilities*

149. Policy MSGP44 supports delivery of community facilities for Jewish and other minority groups within the borough. In terms of having a presumption in favour of maintaining buildings and land in community use for that purpose, I consider that this is addressed sufficiently by paragraphs 83 and 92 of the Framework and CSUCP Policy CS7, which recognise the role of public and community facilities in centres and also specifically refers to the need to retain local community facilities outside centres, where they provide an important service to the local community and remain viable. Furthermore, other policies in the CSUCP, including policies CS1, CS2, CS8, and UC3, support the provision of cultural and leisure facilities. Community facilities are defined, albeit not exhaustively, in paragraph 9.31 of the supporting text to CSUCP Policy CS7. While I recognise the challenges faced in identifying suitable sites for community facilities, I consider that the approach to community facilities set out in the Plan is positively prepared and would be effective.

150. With regard to the potential for relaxation of open space, parking and noise provisions for any new community facilities or extensions to existing community facilities, this is a matter best dealt with on its merits on a case-by-case basis, with consideration given to other relevant policies within the Plan and the CSUCP.

### *Conclusion on Issue 8*

151. Subject to the MMs set out above, the Plan's approach to the provision of community facilities is positively prepared, justified, effective and consistent with the CSUCP and national policy.

**Issue 9 – Is the Plan's approach to the provision for minerals and waste positively prepared, justified, effective and consistent with the CSUCP and national policy?**

152. The whole of Gateshead is designated as a Minerals Safeguarding Zone in CSUCP Policy CS20 due to the presence of shallow coal reserves and associated clays, sand and gravel and brick clay across the area.
153. In terms of aggregates, regional guideline supply figures have been set by Government. Aggregate supply and demand in the North East are monitored through the annual Local Aggregates Assessment, which is jointly prepared by the mineral planning authorities in County Durham, Northumberland and Tyne and Wear.
154. The Framework requires a minimum landbank of 7 years for sand and gravel reserves. There are presently no operational sand and gravel extraction sites in the borough. Gateshead Wharf is currently inactive for the landing of marine sand and gravel. The CSUCP confirms that Blaydon Quarry has exhausted all remaining viable reserves, while the site at Crawcrook is non-operational, and there is uncertainty regarding the extent and quality of remaining reserves. Policy CS20 of the CSUCP confirms that areas of search for sand and gravel extraction would be identified in future development plan documents.
155. It is evident that the Council has undertaken a call for sites and has reviewed and assessed potential areas of search and sites. The call for sites did not result in any potential minerals sites coming forward. All sites identified as potential areas of search through the Council's assessment were found to be constrained and to have an insufficient basis or justification to warrant being identified as an area of search. As a result, there are no proposed specific sites or preferred areas proposed for safeguarding for sand and gravel extraction in the borough. The provision of sand and gravel will therefore be made by other authorities in Tyne and Wear and North East England.
156. The Framework requires a minimum landbank of ten years for crushed rock. There are no identified sites for the extraction of crushed rock within Gateshead. Within Tyne and Wear, there are two sites producing crushed rock in Sunderland and South Tyneside.
157. The sub-regional requirement for Tyne and Wear is to contribute approximately 3.7 million tonnes for sand and gravel and 5.8 million tonnes for crushed rock for the period 2017 - 2032. The Council has confirmed that the level of permitted reserves at existing mineral sites in Tyne and Wear are sufficient to supply the sub-regional apportionment to a date beyond 2030 for both sand and gravel and crushed rock. In order to be justified, effective and consistent with national policy, **MM52** amends the supporting text to Policy MSGP46 to set out the landbank situation for sand and gravel and crushed rock.

*Environmental impacts – minerals and waste*

158. Policy MSGP46 seeks to ensure that the environmental impacts of any proposals for minerals and waste infrastructure are assessed both individually and cumulatively. While a range of matters in criteria 1 a – g of Policy MSGP46

replicate other development management policies, I consider that this does not represent an issue with the soundness of the policy. However, as the whole of Gateshead is safeguarded for minerals and given the potential for minerals development to impact on climate change, specific reference to this consideration should be included in Policy MSGP46 (**MM53**). Without this, the policy would not be consistent with national policy to mitigate and adapt to climate change.

159. Modifications **MM54** and **MM55** are also necessary for effectiveness to amend the supporting text to clarify the potential effects of mineral extraction and landfill operations, waste disposal and treatment operations, and potential over-riding material considerations.

#### *Minerals and waste development: noise*

160. In relation to Policy MSGP47 which deals with noise issues arising from minerals and waste development, **MM56** is necessary for effectiveness and consistency with the PPG<sup>4</sup> to clarify the noise limits at different times of day for minerals and waste development. Additionally, **MM57** removes the final sentence of the supporting text at paragraph 8.6 as no tranquil areas are defined within the Council's administrative area. This is necessary to be effective and justified.

#### *Quarry reclamation and restoration*

161. Policy MSGP48 concerns quarry reclamation and restoration and the provision of any further landfill sites within the plan period. A modification is necessary to ensure that the policy would be effective in terms of the Council's requirements for after-uses on the sites listed in the policy and shown on the policies map (**MM58**).

#### *Waste management*

162. Policy CS21 of the CSUCP provides a strategic approach to waste management. Consistent with the CSUCP, Policy MSGP49 seeks to ensure that an adequate network of waste treatment, transfer and recycling facilities are maintained and permitted in order to retain sufficient waste management capacity throughout the plan period.

163. Policy MSGP50 addresses waste management facilities in new developments to ensure that there is on-site management of waste in line with CSUCP Policy CS21. A modification to the policy is necessary to ensure effectiveness by clarifying which forms of development are subject to particular refuse storage capacity requirements and access requirements (**MM59**).

#### *Safeguarding minerals related infrastructure*

164. Policy MSGP51 seeks to ensure that Gateshead Wharf is safeguarded to allow for the landing of marine aggregates. A modification (**MM60**) is necessary to widen the scope of the policy to safeguard other minerals infrastructure,

---

<sup>4</sup> PPG Paragraph 27-021-20140306.

including wharves, recycled and secondary aggregate facilities, and concrete batching and coating facilities. The modification also sets out the importance of recycled and secondary aggregates and provides a table of sites which have an existing role in minerals infrastructure in Gateshead. This is necessary to be effective and consistent with paragraph 204 f) of the Framework.

#### *Brick clay*

165. Union Brickworks in Birtley is currently supplied with brick-making materials from the neighbouring Birtley Quarry, located immediately outside the borough boundary within County Durham. Planning permission was obtained in 2017 to extend the extraction period at Birtley Quarry to an end date of 2044. This provides a sufficient landbank to meet the requirements of national policy. In addition, to allow for future extraction of brick clay within the borough, Policy MSGP52 seeks to ensure the safeguarding of brick clay deposits at Lamesley against unnecessary sterilisation. A modification is necessary to refer to the policies map for effectiveness (**MM61**).

#### *Dormant sites*

166. The Council considers that there are reserves of sand and gravel at existing sites at land at Bog Wood and west of Barlow Lane as noted at paragraph 13.13 of the supporting text to CSUCP Policy CS20 and at CSUCP Figure 13.1. The Council confirmed after the hearing sessions that extraction has taken place on the northern part of site MSGP53.1 Land at Bog Wood, but that past workings would not necessarily alter the Council's view of the sites' status.

167. Given the limited evidence before me with regard to the sites in the policy and uncertainty about the remaining reserves on those sites, Policy MSGP53 is not justified or effective. Consequently, **MM62** deletes Policy MSGP53 and its supporting text.

#### *Unacceptable areas for mineral working*

168. Policy MSGP54 represents a continuation of saved policy MWR8 of the Council's Unitary Development Plan 2007, Policy M15 in the Council's Unitary Development Plan 1998, and Policy RG3 of the Ryton Greenside Quarries Landscape and Restoration Local Plan 1983. This provides some context for Policy MSGP54, which seeks to address the potential effects of sand and gravel extraction on residential areas, including cumulative effects where there has been a concentration of quarrying activity over some years, and effects on landscape character, a local wildlife site and a conservation area.

169. However, it has to be borne in mind that minerals can only be worked where they occur and that I have little evidence before me that these areas would not represent available reserves of sand and gravel. Given that this policy approach might lead to minerals extraction sites not being permitted when constraints could potentially be overcome, I consider that it is neither justified nor effective. As such, Policy MSGP54 and its supporting text should be deleted (**MM63**). In the event that planning applications came forward for minerals development in these areas, the Framework, CSUCP Policy CS20 and other policies in the Plan would be applicable, allowing consideration to be given to the effects of sand and gravel extraction on the relevant locality.

*Conclusion on Issue 9*

170. Subject to the aforementioned MMs, the Plan's approach is positively prepared, justified, effective and consistent with the CSUCP and national policy in relation to provision for minerals and waste.

**Issue 10 – Does the Plan provide an adequate monitoring framework for the implementation of its policies which would be effective and in general conformity with the CSUCP?**

171. Appendix 19 sets out the Plan's monitoring framework, which supports the CSUCP's monitoring framework and delivery strategy. Policies within this Plan will be measured against relevant CSUCP indicators. Appendix 19 lists the Plan's policies and sets out issues to be monitored in two tables. Table 1 is modified for effectiveness in several respects to take account of deleted policies, relevant monitoring framework referencing for both the CSUCP and the Plan, and the need for clarity on triggers for remedial action and potential remedial actions (**MM78 – MM103**). MSGP indicators are set out in Table 2 of Appendix 19, which is modified to reflect the deletion of Policy MSGP14 and to provide indicators and targets for Policy MSGP9 and the new policy on aircraft safety (**MM104**). These modifications are all necessary for effectiveness.

*Conclusion on Issue 10*

172. Subject to the MMs outlined above, the Plan provides an adequate monitoring framework for the implementation of its policies which would be effective and in general conformity with the CSUCP.

## **Overall Conclusion and Recommendation**

173. The Plan has a number of deficiencies in respect of soundness and legal compliance 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 explained in the main issues set out above.

174. The Council has requested that I recommend MMs to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Making Spaces for Growing Places Site Allocations and Development Management Policies Local Plan Document for Gateshead satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

*Joanna Gilbert*

Inspector

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