

**M5-01**



# **Development and Allocations Plan**

## **Matters, Issues and Questions**

### **Matter 5**

June 2019

## Matter 5: People and Place

### Issue

Whether the approach to the historic, built and natural environment is positively prepared, justified, effective and consistent with national policy and in general conformity with the CSUCP.

### Questions

For each policy listed below, the Council should set out the basis for the policy approach, what it seeks to achieve, and whether it is positively prepared, justified, effective and consistent with national policy. In responding to those matters and any additional questions listed below for specific policies, the Council should identify and address particular concerns raised in representations.

#### ***Historic Environment (Policies DM15 – DM19)***

##### ***5.1 Is Policy DM15 sufficiently clear in terms of the development proposals to which it would apply and what would be required to support an application?***

The introduction to the policy says that it ‘sets out how development affecting the heritage assets in the city will be managed’ and goes on to indicate that it relates to any proposed alteration, extension, restoration or development of heritage assets. In this context the heritage assets to which the policy refers can be either designated or non-designated as proscribed in the NPPF glossary.

DM 15 1 (i) makes clear that that proposals will be required to be ‘accompanied by a detailed analysis and justification of potential impact’

It is accepted that this is only applicable in the NPPF to designated assets and so a modification to the opening line of DM15 1 (i) is proposed, to read:

**‘in the case of designated heritage assets,** be accompanied by a...

This is re-emphasised in section 6.1.3 which indicates that alterations should be informed by the significance of the heritage asset. The Council will require this assessment to be presented within a Design and Access Statement and/or Heritage Statement, the requirement for which is set out in the Council’s Development Management Validation Checklist.

The inclusion of ‘appearance, character and setting’ of a heritage asset in this policy is, in our view, in line with NPPF, as the NPPF glossary describes significance of a heritage asset as including its physicality and its setting.

The definition of harm and the concept of the balancing principle is set out within the NPPF and so not repeated here. The council will give full credence to this in reaching planning decisions, conscious of its statutory duties to preserve and enhance as contained with Clause 72 of the 1990 Planning (Listed Buildings and Conservation Areas Act). The Councils view is that the policy is clear and aligned to the NPPF.

**5.2 *Given the content of criterion 1 of Policy DM15, is criterion 2 of Policy DM15 necessary for soundness?***

Criterion 1 of Policy DM15 focuses on the potential impact of proposed development on individual heritage assets and looks to conserve and enhance the significance, character and appearance of those assets. DM15 criterion 2 recognises that the Council also has a requirement to conserve and enhance the wider area based designated elements of the historic environment which contain and are made up of a range of individual historic features and assets. The policy also recognises that changes to individual heritage assets or other developments can have implications for the character and appearance of a broader designated area, specifically a Conservation Area or Historic Park or Garden and that the Council should be conscious of the impact of incremental change within these areas.

**5.3 *Would criterion 3 of Policy DM15 be effective? Are criterion 3 of Policy DM15 and paragraph 6.1.8 of the supporting text consistent?***

In Criterion 3 (i) the policy looks to fulfil the Council's duty to 'preserve and enhance the character and appearance of the City's Conservation Areas' as required in Clause 72 of the 1990 Act and sets out the test for, and circumstances where it would accept, the demolition of an unlisted building in a conservation area. This would be only when a building makes little or no contribution to that character and where a replacement would enhance the character and appearance of the Conservation Area. The Council's ability to implement this policy is made possible by having character assessments of all its twelve Conservation Areas (which the Council has) which help to identify the contribution which buildings or sites make to the character and appearance of the Conservation Area.

Criterion 3 (ii) is the Council's approach to implementing Paragraph 198 of the NPPF, which requires that 'Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.'

This approach has been included in previous plans and has proved effective in preventing gap sites in Conservation Areas.

It is considered however that the wording of the supporting text in 6.1.8 could be clarified. A minor modification to the supporting text is proposed amending the final sentence, deleting the words '~~In the case of demolition of a building in a Conservation Area which contributes to its character~~'. The final sentence will then read 'Demolition should only take place once a contract has been let for the approved replacement development '.

**5.4 *Would criterion 2 of Policy DM16 be effective and justified?***

Policy DM16 sets out the Council's policy regarding the potential impact of development on the setting of heritage assets. Paragraph 6.2.2 expands on the type of impact, or cumulative impact, which might occur, reflecting published Historic England's guidance on the Setting of Heritage Assets (Historic Environment Good Practice Advice in Planning). Criterion 2 of the Policy recognises that other impacts other than the actual physicality of a development can potentially be identified, which could be intangible, and points particularly to the need to consider the level of

permanence of a proposed development in considering the impact on setting. Accepting that, for example, an art installation planned to be in place for 6 months and then be removed may have no permanent impact on the setting of a heritage asset. This is therefore a criterion which allows the local authority to make appropriate decisions in relation to the setting of heritage assets and therefore it is considered to be a justifiable element of this policy.

The Council believes that it is entirely appropriate to refer to 'setting and surrounding key views' within this policy. This is in line with both to the NPPF's glossary definition of significance and to Historic England guidance contained within 'The Setting of Heritage Assets - Historic Environment Good Practice Advice'. Paragraph 9 'Its [Setting] importance lies in what it contributes to the significance of the heritage asset or the ability to appreciate that significance' and 'The contribution of setting to the significance of a heritage asset is often expressed in reference to views'.

The definition of harm and the concept of the balancing principle is set out within the NPPF and so not repeated here. The council will give full credence to this in reaching planning decisions, conscious of its statutory duties to 'preserve and enhance' as contained with Clause 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act.

#### **5.5 *Are Policy DM17 and its supporting text consistent?***

The policy and supporting text are considered to be consistent. The wording of the Policy has been agreed with Historic England and form part of the Statement of Common Ground. The policy sets out the Council's approach to the preservation of archaeological remains and to the requirements for undertaking archaeological work. The supporting text, specifically in 6.3.3 explains this by describing what types of archaeological work the policy relates to and paragraph 6.3.4 sets out how this work should be undertaken and by whom. The following paragraphs explain the Council's approach to preservation in-situ, to the management of the Frontiers of the Roman Empire World Heritage Site, to the requirement for pre-determination archaeological work, and its approach to deposition and publication of artefacts and information. These are consistent with the Policy as written. A minor grammatical modification is required in Paragraph 6.3.3 to delete 'an' from the first sentence.

#### **5.6 *Why does the Council's proposed modification to criterion 3 of Policy DM17 remove reference to the buffer zone and wider landscape when discussing the setting of the Frontiers of the Roman Empire World Heritage Site?***

The reference in Policy DM17 criterion 3 to the 'buffer zone and wider landscape' in discussing the setting of the Frontiers of the Roman Empire World Heritage Site, was removed at the behest of, and in agreement with, Historic England. Historic England have approved the amended wording as part of the Statement of Common Ground. The rationale for this change is that the buffer zone is not a defined area but more a nebulous concept and so it would be difficult to assess what impact a development may have upon it. Similarly, the wider landscape is also undefinable and both it and what could be described as the 'buffer zone' are captured within the concept of 'setting', which is used in the wording of the policy.

**5.7 Does paragraph 6.3.8 of the supporting text make a requirement over and above Policy DM17 in relation to the Tyne and Wear Archives?**

In relation to the deposition of archaeological information, Policy DM17 Criterion 4 requires the results of archaeological investigations to be deposited in the Tyne and Wear Historic Environment Record, whereas the supporting text in 6.3.8 expands on this to say that results should be deposited with Tyne and Wear Historic Environment Record and Tyne and Wear Archives.

The justification for the inclusion of Tyne and Wear Archives lies in Footnote 64 of the NPPF which states that copies of evidence should be deposited with the relevant Historic Environment Record, and any archives with a local museum or other public depository. As such the requirement for deposition in an archive or local museum as well as the Historic Environment Record is required by the NPPF. However, in order to align the Council's policy and the supporting text, the council propose the modification to delete the words '~~and Tyne and Wear Archives~~' from paragraph 6.3.8.

**5.8 Is Policy DM18 consistent with national policy, particularly with regard to paragraph 199 of the Framework?**

Paragraph 199 of the NPPF requires that Local planning authorities should 'require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part)'. Policy DM18 echoes the NPPF but expands on the type of actions which can result in loss (in whole or in part) of a heritage asset, which can be 'demolition, alteration, extension or restoration'. This recognises that the significance and fabric of a heritage asset can be lost not solely through demolition but also by other actions such as making physical alterations, attaching extensions or carrying out works of restoration which impact on surviving historic features.

It is important to note that NPPF requires 'developers to record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part). It is the loss of the asset (which could occur through demolition, alteration, extension or restoration) that requires developers to carry out proportionate recording, which can help to advance the understanding of the asset's significance.

NPPF 199 says that developers should carry out recording 'and advance the understanding of significance'. This expresses the rationale for, and the result of, undertaking building recording.

**5.9 Should Policy DM19 make specific reference to archaeology and landscape?**

The wording of Policy DM19 was amended at the request of Historic England and agreed with them under the Statement of Common Ground. The rationale for the amendment was that changes which might affect the interpretation of the course of events during the battle may not solely be landscape changes and therefore the policy wording should not solely refer to 'landscape changes'.

The requirement for archaeological works which enhance understanding within the battlefield site will be determined under Policy DM17 and so is not repeated in DM19. When development within the battlefield area is proposed both Policies

DM19 and DM17 will apply. A minor grammatical amendment is proposed to Policy DM19 Criterion 1. The last word of the Criterion should read 'battle' rather than 'battlefield'.

## ***Design (Policies DM20 – DM22)***

### ***5.10 Would the inclusion of climate change measures in Policy DM20 affect development viability?***

Policy DM20 provides a requirement to incorporate measures to address the impact of climate change and adverse microclimatic conditions.

Passive solar gain design principles can help a development to maximise the use of the sun's energy for heating and cooling. Such measures may include appropriate siting, orientation, structure and layout. It is considered incorporating these design principles can contribute towards meeting this policy without affecting viability.

It is important to acknowledge that sites and development proposals will vary across the city and therefore context, scale and use will influence appropriate measures taken to meet this policy.

### ***5.11 Is it necessary to meet all criteria of Policy DM20 or only those which are relevant and, if not, how would it be established which criteria are relevant?***

Policy DM20 has been formulated to ensure development delivers high quality and sustainable design. As future development proposals across the city will vary in use, scale and context the policy has been structured to provide sufficient flexibility.

It is considered that in some cases not all requirements set out in Policy DM20 will be relevant. Specific criteria will be established based on the nature of development proposed taking into consideration use, scale and context. This will be assessed through the Development Management process and it is not considered that this needs to be set out in the policy.

### ***5.12 Paragraph 6.7.2 of the supporting text to Policy DM21 refers to Planning Guidance on acceptable shopfront design. Has the Planning Guidance been prepared?***

The City Council has two shopfront guidance documents, firstly 'Shopfront Design Guidelines' which provides detailed guidance on repairing and restoring historic shopfronts in the city centre, with particular reference to the Grainger Town area. Wider general guidance is contained in the Council's 'Shopfronts in the Historic Environment'. Both of these are referred to when determining applications relating to historic shopfronts and to contemporary shopfronts in historic areas. It is intended to combine these documents into one updated guidance document in 2020.

### ***5.13 Is criterion 3 of Policy DM22 consistent with the supporting text at paragraph 6.8.4 in terms of what is expected on a shroud advertisement?***

Policy DM22 relates to the display of temporary shroud advertisements on scaffolding required in connection with the redevelopment or refurbishment of a site. Criterion 3 relates to the need for any shroud advertisement to be commensurate with

the scale to the scale of the scaffolding required for the building works. The advertisement should be viewed with a 1:1 image of the proposed or existing building also depicted on the shroud.

Paragraph 6.8.4 sets out in further detail the use of the policy. It is noted that in the first sentence that it states that the advertisement should cover only a proportion of the hoarding area, whereas point 3 of Policy DM22 states that the shroud advertisement should be commensurate to the scale of the scaffolding relating to the works. To ensure consistency it is therefore proposed to remove the first sentence of paragraph 6.8.4.

Paragraph 6.8.4 goes onto to set out that the advertisement feature of the shroud should then be framed with a wider display which illustrates the existing or proposed building against which the shroud is displayed. To assist in clarifying the requirement of criteria 3, the second sentence of the paragraph could be amended to read. The paragraph would then read:

The existing or proposed building should be illustrated as part of the background to the shroud design, with the advertisement feature clearly framed within the wider display. The proposed shroud screen and its printed image would ~~generally~~ replicate the architectural detailing of the building and provide visual interest. A time limit of not more than 12 months will be placed on the period the advert can be displayed or the period of works, whichever is the shorter. This is required in order to ensure the advert shroud is only displayed for a minimum amount of times necessary to carry out the works.

### ***Residential Amenity (Policy DM23)***

#### ***5.14 How does Policy DM23 allow for small-scale B1 business activity as paragraph 6.9.6 of the supporting text suggests?***

Policy DM23 relates to protecting the amenity of both existing and future residents when development takes place. Criteria 2 sets out five areas against which impacts upon residential amenity will be assessed.

The Town and Country Planning (Use Classes Order) 1987 (as amended) defines Class B1 as being for business purposes “being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.”

Paragraph 6.9.6 seeks to clarify that Policy DM23 does not prevent certain business uses within Class B1 to be located close to residential uses, whilst some limitation on their operations, such as by traffic and hours of use may be required to protect residential amenity and is a replication of paragraph 3.88 of the Councils UDP under the protection of residential amenity policy (Policy H2).

#### ***5.15 Paragraph 6.9.3 of the supporting text refers to separation distances between residential buildings. Has the Planning/Design Guidance on separation distances been produced?***

At present the Council uses Development Control Policy Statement 17 – Spacing Standards for Residential Developments- as guidance on appropriate separation

distances between residential buildings. Recognising that DCPS17 was written in 1998, a revised document is scheduled to be drafted for consultation and subsequent adoption by the Council to provide updated design guidance on separation distances. It is anticipated this will take place by the end of 2020.

## ***Environmental and Health Impacts of Development (Policy DM24)***

### ***5.16 Would all criteria of Policy DM24 be applied to every development?***

Policy DM24 has been formulated to ensure the wellbeing and health of communities will be protected by adverse environmental and health impacts (including cumulative impacts) from development. As future development proposals will vary in use, scale and context, the policy has been structured to provide sufficient flexibility.

It is considered that in some cases not all requirements set out in the Policy DM24 will be relevant. Specific criteria will be established based on the nature of development proposed taking into consideration use, scale and context. This will be assessed through the Development Management process and it is not considered that this needs to be set out in policy.

## ***Airport Safety (Policy DM25)***

### ***5.17 With regard to paragraph 6.11.3 of the supporting text to Policy DM25, which proposals would be assessed? Does this relate only to wind farms?***

With regard to paragraph 6.11.3 proposals within 13km of the airport which could potentially have a safeguarding issue for aircraft safety would need to be assessed and windfarm applications beyond 13km would need to be assessed. To provide clarification the Council suggests that a modification to the supporting text will provide clarification.

Paragraph 6.11.3

**Developments within the airports 13km safeguard zone which could impact on the safe operation of aircraft will need to be assessed.** Safeguarding covers a range of issues for example, developments which could increase the risk of bird strikes, such as open water, landscaping and buildings that attract hazardous bird species and provide areas of roosting. The use of lighting could be distracting to pilots due to luminance or the arrangement which could be mistaken for airfield lighting. The use of highly reflective building materials could cause glint/glare for pilots or have radar absorbing or reflective characteristics. Tall structures could cause a collision hazard or interfere with navigation equipment or result in building induced turbulence. ~~Wind farms can also impact on radar and navigation equipment~~ **Beyond the 13km safeguarding zone wind farms can also impact on radar and navigation equipment and** ~~And t~~ **The impact of any proposals will need to be assessed. and aAny mitigation strategy will also need to consider any cumulative impact.**

## ***Flood Risk and Water Management (Policy DM26)***

### **5.18 *Is Policy DM26 justified, effective and consistent with national policy and the CSUCP?***

The soundness criteria for Policy DM26 has been set out in the SD7 Compliance Statement (pg. 248-256). The Council considers that Policy DM26 is justified, effective and consistent with national and the CSUCP.

Policy DM26 provides a positive approach towards flood risk and water management. It sets out how new development can approach the management and reduction in flood risk. It provides detailed criteria on the design of sustainable drainage, and how development can address wider issues related to water management, to protect and improve both ground and surface water quality and enhance river environments.

The policy is consistent with CSUCP Objectives SO9, SO11 and SO12 (pg. 40) and Policy CS17 Flood Risk and Water Management (pg. 101-103). Policy CS17 sets out the overarching approach to flood risk and water management, and DM26 sets out further detail to ensure developments are designed to manage and mitigate the risk of flooding, the design of surface water drainage is appropriate and river environment are protected and enhanced.

Policy development is supported by evidence provided in the Level 1 and Level 2 Strategic Flood Risk Assessment (SD11, 117-119), a City-Wide Surface Water Management Plan (SWMP) (SD11, 125) and a City Centre Surface Water Management Plan (SD11, 122). Regarding the main rivers in the boundaries of the City the following river catchment plans have considered the Northumbria River Basin Management Plan (SD11, 127) , Ouseburn Surface Water Management Plan (SD11, 128) and the River Tyne Catchment Plan (SD11, 129-130).

DM26 will be principally delivered through the development management process and through the statutory consultation process with the Lead Local Flood Authority and the Environment Agency. The policy will be monitored against CSUCP monitoring indicators 39, 40 and 41 (DAP pg. 100-101).

The policy approach reflects the requirements set out in the NPPF (Chapter 14) and Planning Practice Guidance on Flood Risk. DM26 requires management of surface water to avoid flooding to people and property (para 155), safeguarding of land required for flood management, use of green infrastructure and natural flood management techniques (para 157) improvements to water quality (para 170), and sustainable drainage systems of appropriate standard, with maintenance arrangements for the life time of development and multifunctional benefits (para 165).

## ***Protecting and Enhancing Green Infrastructure (Policy DM27)***

### ***5.19 Is Policy DM27 justified, effective and consistent with national policy and the CSUCP?***

The soundness criteria for Policy DM27 are set out in the SD7 Compliance Paper (pg. 257-263). The council considers that Policy DM27 is justified, effective and consistent with national policy and the CSUCP.

The policy provides a positive approach towards the protection and enhancement of green infrastructure. It recognises the importance of green infrastructure and the multifunctional benefits that can be delivered.

The policy is consistent with CSUCP Objectives SO9, SO10, SO11 and SO12 (pg. 40) and Policy CS18 Green Infrastructure and the Natural Environment (pg. 104-108). Policy CS18 sets the principles of maintaining, protecting and enhancing the integrity, connectivity, multifunctional and the accessibility of the strategic green infrastructure network. DM27 provides more specific criteria how development can achieve this. The policy also designates the green infrastructure network on the Policies Map.

The policy is supported by a detailed evidence base which comprises of the NewcastleGateshead Green Infrastructure Study consisting of a detailed Evidence Report and Strategy Report (SD11, 134a & 134b). The evidence base assessed existing and potential green infrastructure assets and identified the strategic corridors which form the strategic green infrastructure network across the city, in addition to this network a number of opportunity areas were identified within the network.

The policy will be delivered through the development management process and progress monitored against the objectives set out in the Council's Green Infrastructure Delivery Framework Plan.

DM27 fully supports the approach to Green infrastructure in the NPPF, a theme running through a number of chapters, for example promoting healthy and safe communities (Chapter 8), meeting the challenge of climate change and flooding (Chapter 14) and conserving and enhancing the natural environment (Chapter 15). The criteria set out in DM27 recognises the importance of green infrastructure in providing multifunctional benefits, such as adaptation to climate change, improved resilience to extreme weather events, enhanced biodiversity and ecosystem services, improved visual amenity and landscape quality, sustainable travel opportunities and improved public health and well-being. This aligns to the NPPF principles that safe and accessible green infrastructure can enable and support healthy lifestyles addressing local health and wellbeing needs (para 91.pg. 27); green infrastructure can mitigate and adapt to climate change (para 150 pg. 44) and through the provision and management of green infrastructure there are opportunities to improve air quality or to mitigate its effects (Para 181 pg. 52).

## **5.20 *Is the mapping of the Strategic Green Infrastructure Network justified?***

The council considers that the mapping of the Strategic Green Infrastructure Network is a reasonable approach and based on proportionate evidence. The NewcastleGateshead Green Infrastructure Study consisting of a detailed Evidence and Strategy Report (SD11, 134a & 134b) have informed the approach to green infrastructure. The evidence base assessed existing and potential green infrastructure assets and identified strategic corridors which form the strategic green infrastructure network across the city, in addition to this network a number of opportunity areas were identified.

An indicative plan of the strategic green infrastructure network is included in the CSUCP Policy CS18 (CSUCP pg. 106). This has now been mapped as part of the DAP policies map. The designation of the Strategic Network on the policies map supports the advice in the NPPF (para 171, pg. 49) which requires that plans should take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

### ***Trees and Landscaping (Policy DM28)***

## **5.21 *Is Policy DM28 justified, effective and consistent with national policy?***

The soundness criteria for Policy DM28 has been set out in the SD7 Compliance Statement (pg. 264-270). The Council considers that the Policy DM28 is justified, effective and consistent with national and the CSUCP.

Policy DM28 provides a positive approach towards the protection and enhancement of trees and landscaping. The policy criteria require the protection, enhancement and management of trees and landscape features and for new development to provide new trees and landscaping which achieve multi-functional benefits.

The policy is consistent with CSCUP objectives S09, S10, SO11 and SO12 (pg. 40) and Policy CS18 Green Infrastructure and Natural Environment (pg. 105). Policy CS18 identifies the need to protect, enhance trees and manage woodland as part of the city's green infrastructure assets. DM28 provides detail on how planning applications will be assessed, it provides detailed criteria to assess any unacceptable harm or loss in trees and landscape features and provides criteria on what development needs to achieve when planting new trees and landscaping features.

DM28 will be principally delivered through the development management process, for instance refusing development where it does not accord with the policy. A Supplementary Planning Document is being prepared which will include further guidance on trees, landscaping and biodiversity to help deliver this policy.

The policy approach reflects the requirements set out in the NPPF, Chapter 15 (Conserving and Enhancing the Natural Environment) which requires policies and decisions to contribute and enhance the natural and local environment. DM28 follows the principal of protecting and enhancing valued landscapes and recognising the economic and other benefits of trees and woodlands (Para 170 pg. 49). The policy also supports the requirement that development resulting in the

loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are exceptional reasons (para 175 pg. 51).

Trees and landscaping can help mitigate and adapt to climate change, DM28 supports the approach to climate change and flooding as set out in Chapter 14 of the NPPF.

#### **5.22 *With regard to criterion 1 (ii) of Policy DM28, what is meant by historical importance of the area in relation to trees and landscaping?***

The reference to historic importance of the area relates to the contribution that trees and landscaping can make to the setting of a designated or non-designated, historical asset. Newcastle has a number of Registered Historic Parks and Gardens, and conservation areas, where trees and landscaping/ contribute to the historic setting.

The Council propose the following modification to the wording of the policy to replace the word importance with the term significance to provide clarification and align to the NPPF:

1. ii. the need and benefits of development clearly outweighs any harm to ecological value, landscape quality and historical ~~importance~~ **significance** of the area and in the case of ancient woodland and veteran trees ~~provides exceptional public benefits~~ **there are wholly exceptional reasons**; and

The reference to significance derives not only from a heritages asset's physical presence, but also from its setting. Elements of a setting of a heritage asset may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

### ***Protecting and Enhancing Biodiversity and Habitats (Policy DM29)***

#### **5.23 *Is Policy DM29 justified, effective and consistent with national policy?***

The soundness criteria for Policy DM29 has been set out in the SD7 Compliance Statement (pg. 271-277). The Council considers that the Policy DM29 is justified, effective and consistent with national policy and the CSUCP.

Policy DM29 provides a positive approach towards the protection and enhancement of biodiversity and habitats. The policy will ensure that the hierarchy of designated sites are protected, and development has regard to biodiversity.

The policy is consistent with CSUCP Objectives S09 and S08 (pg. 40) and Policy CS18 Green Infrastructure and the Natural Environment (pg. 104-108). Policy CS18 sets out the Councils overarching approach to protection and enhancement of biodiversity and geodiversity assets, designated sites, wildlife corridors and priority habitats and species. DM26 supports this approach, it designates sites and wildlife enhancement corridors on the Policies Map and provides detailed criteria on how development can protect and enhance habitats.

The development of this policy is supported by a detailed evidence base which includes reports on Local Wildlife Sites (SD11, 135), Site of Local Conservation Interest (SD11, 152) and Wildlife Enhancement Corridors (SD11, 153). These reports contain site plans and assessments of the sites and wildlife enhancement corridor network.

The policy will be delivered through the development management process. A Supplementary Planning Document is being prepared which will include further guidance on trees, landscape and biodiversity to help delivery this policy.

The policy approach reflects the requirements set out in the NPPF, Chapter 15 (Conserving and Enhancing the Natural Environment which requires policies and decisions to contribute to conserving and enhancing the natural environment. Paragraph 174 requires plans to protect and enhance biodiversity and geodiversity by identifying, mapping and safeguarding habitats and ecological networks, including hierarchy of designated sites, wildlife corridor and setting stones. Policy DM29 does exactly this, its sets out the criteria to protect and enhance the natural environment and designates important sites on the Policies Map.

#### **5.24 *Is sufficient coverage provided by Policy DM29 with regard to geodiversity?***

The Council has considered this point further and propose a modification to ensure the plan provides sufficient coverage to geodiversity. It is suggested that Policy DM29 should be amended as follows:

Policy text:

2. Development which ~~has a directly or indirectly~~ **causes significant harm** ~~adverse effect on~~ **to a** Local Nature Reserves (LNR), Local Wildlife Site (LWS), **Local Geological Site**, Site of Local Conservation Interest (SLCI), as designated on the Policies Map, **and/or protected species should** ~~must~~ be avoided. Where significant harm cannot be avoided, development will be refused unless:
  - i. adequate mitigation measures to offset any loss or disturbance which outweigh the harm to the biodiversity **and/or geodiversity** value of the site, habitat and species is secured;
  - ii. ~~in exceptional circumstances~~ **as a last resort** where harm cannot be avoided or fully mitigated compensatory measures are secured.

Supporting text:

Paragraph 6.15.4 Non statutory sites rely on the planning system for protection and include Local Wildlife Sites (LWS) previously known as Sites of Nature Conservation Importance (SCNI), ~~and Sites of Local Conservation Interest (SLCI)~~ **and Local Geological Sites (LGS)**. LWS are of regional or local significance for wildlife ~~and/or~~ **LGS are important for their** geological/geomorphological features (~~Local Geological Sites~~). SLCI form a third tier of valuable wildlife sites and allow for protection and enhancement of sites which lack outstanding habitats or features, but have undoubted value to a particular settlement or neighbourhood. Selection is based on an ecological assessment and analysis of species, habitats and, connectivity,

including increased weight given to the interest of a site to the local community. Appendix 4 in the DAP lists all protected sites and both statutory and locally designated sites are shown on the Policies Map.

Policies Map:

The site formally known as the Town Moor Regional Important Geological Site (RIGS) should be mapped on the Policies Map as the Town Moor Local Geological site.

**5.25 *Is the Wildlife Enhancement Corridor at Newcastle Airport compatible with the requirements of Policy DM25?***

The council considers that the wildlife enhancement corridor is compatible with the requirements of the aircraft safety policy. There are number of sites of ecological importance near to the airport these include; Dinnington Road Fen (SLCI), Foxcover Wood (SLCI), Sunside Ponds (SLCI), Woosington Lake and Woods (SCLI) Havannah (LNR) Big Waters (SSSI & LWS). The Wildlife Enhancement Corridors provide important linkages and buffers for these sites. There is a standoff from the western end of the runway. Connectivity between Havannah (LNR) and Big Waters (SSSI & LWS) is required, but land further east consists of industrial estates, housing and new residential development. No wildlife enhancements to this area are planned and any development would have to comply with a Bird Strike Risk Assessment.

**5.26 *Are the Wildlife Enhancement Corridors in Policy DM29 and identified on the policies map justified and consistent with national policy?***

The council considers the Wildlife Enhancement Corridors are justified and consistent with national policy. The methodology used to inform the location and designation of the Wildlife Enhancement Corridors is set out in the Wildlife Enhancement Corridors evidence paper (SD11, 153). This explains the methodology used to map the corridors across the city. Policy DM29 replaces UDP Policies NC1.4 and NC1.6 on the protection of wildlife corridors.

The approach is consistent with NPPF, paragraph 174, which states plans should identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks including wildlife corridors and stepping stones that connect them.

***Protecting Open Space (Policy DM30)***

**5.27 *Is Policy DM30 justified, effective and consistent with national policy?***

The soundness criteria for Policy DM30 has been set out in the SD7 Compliance Statement (pages 278 – 282). The purpose of this policy is to protect open space, sports and recreational buildings to ensure that the city's population has access to high quality open spaces and opportunities for sport and recreation. The adopted Core Strategy and Urban Core Plan sets out the overarching approach to the protection and enhancement of green infrastructure and the natural environment (Policy CS18). Policy DM30 will positively contribute towards this approach by

setting out detailed criteria for the protection of open space, sports and recreational buildings.

In accordance with the NPPF (paragraphs 31 and 96), this policy has been positively prepared based on a thorough assessment of open spaces across the city and the needs of local communities. In addition to the Open Space Assessment, the council's Plan for Playing Pitches (SD11, 151) and Plan for Built Facilities (SD11, 150) will also inform decision making.

An alternative option would have been to rely solely on the wording of the NPPF, but this does not include standards in which to determine surpluses or deficiencies of open space. In addition, alternative open space standards for assessing existing provision could have been used, however, these would have to be based on evidence. It is considered that the open space standards proposed in the DAP have been locally derived and are considered to be achievable.

The policy is considered to be effective and will largely be delivered through the development management process. In addition, other policies in the DAP will also help to protect open space for example, Protecting and Enhancing Green Infrastructure (Policy DM27).

**5.28 *The assessment required by Policy DM30 refers to open space standards, but sports, recreational buildings and land are referred to in Policy DM30. How are these matters assessed?***

The policy requires open space assessments to be prepared to inform decisions regarding development of open space, sport or recreational buildings. Decisions regarding loss of open space, sports and recreational buildings and land should be based on our proposed standards and should be considered based on the evidence in the council's Open Space Assessment (SD11, 138-143), Plan for Built Facilities (SD11, 150) and Plan for Playing Pitches (SD11, 151).

Following comments received from Sport England, the policy title and supporting text have been revised as set out in the council's Schedule of Modifications to explain these points further. The supporting text has been revised to clarify that the Park and Recreation typology standard should form the starting point for assessing sports provision. However, decisions as to whether playing fields and sports buildings (and land) are surplus should be taken based on assessments of adequacy contained in the council's Plan for Playing Pitches (SD11, 151) and Plan for Built Facilities (SD11, 150) documents.

Sport England has reviewed the council's Schedule of Modifications and is content that they address their objections (see attached letter from Sport England Appendix 1).

**5.29 *Is Policy DM30 sufficiently flexible to deal with different site-specific circumstances?***

Policy DM30 is for the protection of existing open space rather than new provision. The policy aligns to paragraph 97 of the NPPF. The application of the open space standards for assessing existing open space will be made on a case by case basis through the Development Management process and depends on the nature of the

proposal. The policy is sufficiently flexible whereby a criteria-based approach is used to consider the loss of the open space. The supporting text provides further explanation.

**5.30 *If requiring off-site contributions if open space, sports and recreational buildings could not be delivered on site, should this be addressed in Policy DM30? Is this a reasonable approach?***

The council considers that the policy and supporting text are suitably flexible to allow for decisions regarding replacement provision to be made on a case by case basis rather than setting this out in policy. This approach allows for changing circumstances over the plan period. Developers wishing to bring forward alternative uses for open space must provide an assessment which clearly demonstrates that the policy criteria have been met. This assessment should be provided as part of any planning application. Decisions regarding off-site contributions will be made based on the council's evidence documents including the Open Space Assessment (SD11, 138-143), Plan for Built Facilities (SD11, 150) and Plan for Playing Pitches (SD11, 151) which are regularly reviewed by the council. The council has an adopted Planning Obligations Supplementary Planning Document which is used to secure off site open space contributions where applicable. The Council also has an adopted Community Infrastructure Levy (CIL) which includes a list of infrastructure projects that the council intends will be, or may be, wholly or partly funded through CIL.

***Provision of Open Space, Sports and Recreational Buildings (Policy DM31)***

**5.31 *Are the open space standards set out in Table 3 to Policy DM31 justified and consistent with national policy?***

As set out in the SD7 Compliance Statement (pages 282-286) the open space standards in Table 3 are considered to be sound. In accordance with the NPPF (paragraphs 31 and 96) the open space standards have been derived following an up to date assessment of open space needs in the council's Open Space Assessment. The Open Space Assessment and Appendices (SD11, 138-143) has been prepared in accordance with the NPPF (paragraph 96) to provide evidence to inform the DAP. The open space standards set out in Table 3 to Policy DM31 are based on a robust and up to date assessment of the need for open spaces (including quantitative and qualitative deficient or surpluses) and opportunities for new provision as set out in section 6.0 of the Open Space Assessment. These standards are locally derived based on recent evidence and will help the council to secure the provision of open spaces as part of new development. The open space standards are therefore considered to be achievable. The Open Space Assessment (SD11, 138) is considered to be comprehensive and the methodology is set out on pages 8-11 of the Open Space Assessment.

The supporting text for Policy DM31 makes it clear that for new development the standards will indicate overall requirements; the precise type, form and location being determined by local circumstances for example, the type and scale of development, its location and the quantum, quality and accessibility of open space within the local area.

**5.32 *Does Policy DM31 address sports facilities or only sports and recreational buildings? Should sports and recreational buildings and facilities be addressed in detail in Policy DM31?***

Policy DM31 applies to sports facilities as well as recreational buildings. The wording of the policy and supporting text is considered to align with paragraphs 96 and 97 of the NPPF, however, a potential modification could clarify this point as set out in the Council Examination Modification table.

Decisions regarding the provision of new sports and recreational buildings and facilities should be considered alongside evidence in the Council's adopted Plan for Built Facilities (SD11, 150) and Plan for Playing Pitches (SD11, 151) based on growth in population, need and provision at the time of the application. This is set out in the supporting text to the Policy. Following comments received from Sport England, the supporting text has been revised to clarify this as set out in the council's SD3 Schedule of Modifications. These reports are updated regularly and take account of changing circumstances. It would not be appropriate to include more detail of new provision in the DAP as this does not allow for flexibility or changing circumstances. The Plan for Playing Pitches is currently being updated as a result of Newcastle's Parklife submission to the Parklife Funding Programme. The programme aims to provide thriving and sustainable community football hubs across England. The refreshed Plan for Playing Pitches will provide a framework from which to guide future investment and resources to increase satisfaction and participation in sport and physical activity in the city. Sport England are involved in this process and the council meet regularly with Sport England. These documents are 'live' and are used to inform decisions.

**5.33 *Is Policy DM31 sufficiently flexible to address different site-specific circumstances?***

Policy DM31 is considered to be flexible and allows for the provision of open space to be provided either on-site or off-site depending on the type and scale of development, its location and the quantum, quality and accessibility of open space within the local area. This is set out in the supporting text to this policy.

**5.34 *Has account of the requirements of Policy DM31 been taken in viability testing the Plan?***

Policy DM31 has been viability tested and open space standards in the DAP does not impact on the overall viability of residential development in the City. The DAP open space standards are discussed in section 7.2 (Plan Costs) of the Viability and Deliverability Report (2018) (SD11, 166). DAP open space standards have been prepared taking into account the Newcastle Open Space Assessment (SD11, 138) and the viability assumptions review takes into account the updated open space costs by category (see Table 7.9, page 100) (SD11, 166) as taken from Table 19 of the Open Space Assessment (SD11, 138). In addition, the review of assumed residential net developable area in the notional viability scheme plan testing did not require adjustments based on the DAP open space standards in Newcastle (see para. 7.1.15) (Viability and Deliverability Report (2018) (SD11, 166).

**5.35 *If requiring off-site contributions if open space, sports and recreational buildings could not be delivered on site, should this be addressed in Policy DM31? Is this a reasonable approach?***

The council considers that the policy and supporting text are suitably flexible to allow for decisions regarding new provision to be made on a case by case basis rather than setting this out in policy. This approach allows for changing circumstances over the plan period. Decisions regarding off-site contributions will be made based on the council's evidence documents including the Open Space Assessment (SD11, 138-143), Plan for Built Facilities (SD11,150) and Plan for Playing Pitches (SD11, 151) which are regularly reviewed by the council. The council has an adopted Planning Obligations Supplementary Planning Document which is used to secure off site open space contributions where applicable.

***Policy DM32 – Green Belt Development (Policy DM32)***

**5.36 *Is Policy DM32 consistent with national policy and the CSUCP?***

Chapter 13 of the NPPF sets out how Green Belt should be protected to achieve the five purposes of the Green Belt. Policy CS19 of the CSUCP protects the portion of the Tyne and Wear Green Belt within Newcastle “in accordance with national policy” for four of these purposes.

Woolsington Village falls within the Green Belt, as the open character of the village contributes to the openness of the Green Belt, in accordance with paragraph 140 of the NPPF, and has no other specific planning designation, such as a conservation area. Policy DM32 of the DAP sets out in further detail how development within the Woolsington Village Envelope, and the re-use of buildings in the Green Belt will be considered.

Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved expect in very special circumstances. Paragraph 145 sets out when the construction of new buildings in the Green Belt is not inappropriate. This includes:

- c) the extension or alteration of a building
- d) the replacement of a building;
- e) limited infilling in villages; and
- g) limited infilling or the partial or complete redevelopment of previously developed land.

Criteria 1 of Policy DM32 identifies the nature of infill development that will not be inappropriate within the Woolsington Village envelope. As the policy covers an area within the Green Belt then in this instance a negatively worded policy on this subject is considered appropriate.

Criteria (i) and (ii) of section 1 related to the need for development to retain the open character of the village through retaining its verdant, spacious character and amenity and tree cover, which is the reason for the village being retained within the Green Belt, in accordance with the NPPF.

Section 2 of DM32 related to the re-use of Green Belt buildings, rather than new or replacement buildings within the Green Belt, as these are covered by paragraph 145 of the NPPF. The re-use of buildings in the Green Belt is a local factor, due to Newcastle Green Belt containing a number of agricultural buildings which have the potential for re-use. Paragraph 146 (d) of the NPPF states that the re-use of buildings in the Green Belt is not inappropriate provided that the buildings are of permanent and substantial construction. Paragraph 79 of the NPPF also allows isolated homes in the countryside subject to five circumstances, including the re-use of redundant or disused buildings and which would enhance its immediate setting.

Policy DM32 -2-sets out four criteria against which applications to re-use of buildings is considered.

**5.37 Part 1 of Policy DM32 refers to limited infill development, while paragraph 6.18.2 of the supporting text refers to extensions. Is this consistent?**

Infill development normally comprises of buildings constructed to occupy the space between existing structures. The Green Belt Background Paper (SD11, 133) for Policy DM32 sets out the typical forms of development that could be described as “infill development” in the context of Woolsington Village Envelope, including new dwellings within existing plots, demolition of dwellings and replacement with dwellings of a larger footprint, as well as extensions to existing buildings. Therefore, whilst paragraph 6.18.2 only mentions extensions, it should be read to cover all forms of infill or redevelopment. In order to provide clarity on this point it is proposed to revise the wording of Policy DM32 (1) as follows:

1. Within the Woolsington Village Envelope Green Belt, as defined on the Polices Map, **limited extensions to buildings**, infill and **re-development** will only be allowed where:
  - i. It retains the verdant, spacious character and amenity of the village and would not have a greater impact upon the openness of the Green Belt;
  - ii. It retains and takes opportunities to enhance tree and landscape features on the site.

**5.38 Does part 2 of Policy DM32 cover the whole Green Belt in Newcastle’s area?**

Part 1 of Policy DM32 covers the area of Green Belt, defined by CSUCP Policy CS19, within Woolsington Village Envelope. Part 2 of the policy, as drafted, covered areas outside of Woolsington. However, as the criteria for Part 2 would also cover development in the whole of the Green Belt, then the need for this exclusion is unnecessary. It is proposed to remove this exclusion from Part 2 of Policy DM32 and for Part 2 of the policy to cover the whole of the Green Belt area, including Woolsington Village.

The wording of Policy DM32 is therefore proposed to be revised as follows:

2. Within the Green belt the re-use of buildings ~~outside of Woolsington settlement~~ will only be allowed where:

- i. The positive character of buildings and their setting is retained:
- ii. The buildings are in good structural condition and capable of conversion without substantial re-building;
- iii. There is no disproportionate extensions or ancillary new buildings over and above the size of the original building;
- iv. The existing historic features of the building are retained, and any repairs respect its significance and historic character.

# Appendices

## Appendix 1 – Sport England Letter



Katy Deeble  
Senior Planning and Project Officer  
Newcastle City Council  
9th floor, Civic Centre  
Newcastle upon Tyne  
NE1 8QH

19<sup>th</sup> February 2019

Dear Katy Deeble

### **Newcastle draft Development and Allocations Plan**

I refer to the above document and following our recent meeting to discuss Sport England's objections to policies within the Submission version of the Plan.

Following the meeting you have provided Sport England with amendments which the Council are proposing to the Development and Allocations Plan (contained within your email to Sport England dated 22<sup>nd</sup> January 2019).

Sport England has reviewed the proposed amendments and is content that, should they be formally proposed by the Council as amendments to the Development and Allocations Plan, then our objections would be addressed.

I look forward to your formal confirmation of the above in due course, and trust you will convey our revised position to the Planning Inspector in advance of the Examination.

Yours sincerely

A handwritten signature in black ink that reads "J. McGuire".

Planning Manager