

Examination of Newcastle upon Tyne Development and Allocations Plan 2015 - 2030

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Dear Ms Lawless

Post hearings letter relating to the Newcastle upon Tyne Development and Allocations Plan 2015 - 2030

1. Following the close of the hearing sessions in July 2019 and the receipt of further information from the council in the intervening period, I can now confirm the way forward for the examination.
2. Based on everything that I have read and from discussion at the hearing sessions, I consider that, subject to main modifications, the Plan is likely to be capable of being found legally compliant and sound.
3. In reaching the above view, I have given full consideration to the written representations and statements, and oral contributions at the hearings. My final conclusions and associated reasoning relating to soundness and legal compliance will be given in my final report on the examination. The views expressed in this letter are without prejudice to my final conclusions and may change dependent on any further evidence that emerges, including as part of the main modifications consultation process and any necessary sustainability appraisal. My report will also cover other main issues that have arisen during the examination, but which are not dealt with specifically in this letter.
4. This letter is provided for the purpose of identifying the matters where I consider that further main modifications are necessary to achieve soundness. These further main modifications are in addition to those contained in the schedule of potential main modifications provided by the council after the hearing sessions, which were based on discussion and recommendations I made to the council at the hearing sessions. For clarity, having reflected on

the correspondence with the council regarding Policy DM1 – Employment Sites, I note the council’s intention to withdraw its proposed modification to introduce a criterion to Policy DM1 requiring a sequential test for office developments over 500 square metres on allocated sites, and consider that no further main modifications to Policy DM1 are necessary at this stage to address office development proposals.

5. Having had the opportunity to consider the suggested modifications put forward by the council since the hearing sessions, I consider that further main modifications are necessary for reasons of soundness as set out in the following paragraphs.

Policy DM2 - Protection of Employment Sites

6. To ensure that Policy DM2, criterion 1iii is effective, it should provide certainty for applicants and decision makers in terms of the expectations for marketing. The marketing guidance note provided by the council represents helpful clarification of the council’s requirements. However, in order to be effective, a further main modification is required to include the marketing requirements set out in the council’s guidance note as an Appendix to the Plan. Policy DM2, criterion 1iii should also be modified to refer to the Appendix on marketing.

Policy DM5 - Housing Sites

7. In the interests of effectiveness, the table of housing sites listed within Policy DM5 should be amended to refer to the indicative capacity for each housing site, and Policy DM5 should also be amended to provide a total indicative number of housing units arising from allocations.

Policy DM6 – Accessible and Adaptable Housing

8. The Planning Practice Guidance (PPG) at paragraph 56-008-20160519 outlines that Local Plan policies should also take into account site specific factors such as vulnerability to flooding, site topography, and other circumstances which may make a specific site less suitable for M4(2) and M4(3) compliant dwellings, particularly where step free access cannot be achieved or is not viable. In order to be consistent with national policy and guidance, paragraph 4.2.6 of the supporting text to Policy DM6 should be amended to confirm that where step-free access is not viable, the Optional Requirements in M4(2) should not be applied. This would require the removal of reference to off-site contributions. Additionally, Policy DM6 should make specific reference to Requirement M4(2), rather than this simply being referred to in the supporting text to the policy. This will ensure effectiveness.

Policy DM8 – Specialist Residential Accommodation

9. Criterion 3 of Policy DM8 refers to Accessible and Adaptable Standard and/or wheelchair adaptable standard. In order to be consistent with Policy DM6 and to be effective, reference should be made within Policy DM8 to M4(2) and M4(3) standards.

Policy DM11 – Public Transport

10. The council's proposed modification to paragraph 5.2.6 of the supporting text to Policy DM11 refers to the expansion of Callerton Parkway Park and Ride facilities, but insufficient reference is made in the policy to this issue to be effective. A further modification should therefore be made to Policy DM11 to indicate the potential for expansion of Callerton Parkway Park and Ride for up to 600 parking spaces as indicated at the hearing session for Matter 4.

Policy DM12 – Parking and Servicing

11. The council has proposed modifications to the supporting text of Policy DM12 to refer to a new Appendix on car and cycle parking standards. However, in order to be effective, reference should be made to the new Appendix in Policy DM12 itself. This should take the following form in criterion 1 of Policy DM12: Safe, secure and useable vehicle and cycle parking that satisfies its operational requirements and is generally in accordance with the car and cycle parking levels set out in Appendix 6.

Policy DM29 – Protecting and Enhancing Biodiversity and Habitats

12. PPG Paragraph 8-013-20190721 confirms that national planning policy expects plans to identify and map Local Geological Sites, and to include policies that not only secure their protection from harm or loss but also help to enhance them and their connection to wider ecological networks. In the interests of consistency with national policy, the council has proposed modifications to Policy DM29 to refer to geodiversity.
13. Since the hearing sessions took place, I have received the Newcastle City Council Geodiversity Audit (July 2019) and a completed Field Record and Assessment Form for the Town Moor Local Geological Site. The recommendations made in the Geodiversity Audit refer to a field-based survey of potential Local Geological Sites, indicating several areas of the city where there is geological interest. I understand that this survey work is expected to be completed by the end of November 2019. I consider that a main modification and changes to the Policies Map may be necessary, but their precise nature will depend on the survey work. The council should engage with me via the Programme Officer once the survey work has been completed to clarify any necessary modifications or changes to the Policies

Map. Changes to the Policies Map will need to be published in a separate schedule alongside the main modifications. It will also be necessary to publish the field survey work and findings alongside the publication of the main modifications and changes to the Policies Map in order to allow for informed comment.

Policy DM33 - Minerals Extraction and Reclamation

14. Given the potential for energy minerals development to impact on climate change, specific reference to this consideration should be included in the criteria-based Policy DM33. Without this, the policy would not be justified. A further criterion should therefore be added to Policy DM33 to refer to climate change. In addition, in order to be consistent with the Framework, references to the term 'eliminated' should be deleted from Policy DM33, criterion 1, and from paragraph 7.1.3 of the supporting text.
15. At my request, the council provided information at and after the hearings in their letter of 16 September 2019 about landbanks for sand and gravel and brick clay. In addition to the modification proposed by the council to paragraph 7.1.1 of the supporting text, and in order to be consistent with the Framework at paragraphs 207 f) and 208 c), the Plan should set out the landbanks of sand, gravel, and brick clay reserves in the supporting text to Policy DM33 to indicate security of supply of these minerals from known reserves for the requisite time periods set out in the Framework.
16. The council confirmed in correspondence after the hearings that there are existing sites within the city for the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate products. In order to be consistent with national planning policy at paragraph 204 e) of the Framework, the council should include the modifications put forward in its letter of 30 August 2019 to add a further criterion to Policy DM33 to safeguard these sites and any planned and potential sites; provide an additional paragraph 7.1.6 to the supporting text with a table of existing safeguarded mineral infrastructure sites; and identify those existing safeguarded sites on the Policies Map.

Policies Map

17. 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, Regulation 9 of The Town and Country Planning (Local Planning)(England) Regulations 2012 requires the geographic illustration of the application of the policies in the adopted development plan.

18. The Submission Development and Allocations Plan Policies Map illustrates the extent of Policies DM13 Strategic Roads and Primary Distributor Roads, DM27 Strategic Green Infrastructure Network and DM29 Local Wildlife Sites as extending beyond Newcastle's administrative boundary. In order to be consistent with the 2012 Regulations and for the policies to be effective, references on the Policies Map to Strategic Roads and Primary Distributor Roads, Strategic Green Infrastructure Network and Local Wildlife Sites outside the city should be deleted. As previously noted, any changes to the Policies Map should be provided in a separate schedule.

Next Steps

19. It would be appreciated if you could confirm if the council is content to proceed on the basis outlined in this letter. If this is not the case, I would be grateful if you would let me know as a matter of urgency so I can consider how to progress the examination.
20. I will liaise with you via the Programme Officer to facilitate the production of a schedule of main modifications which will need to be subject to full public consultation and sustainability appraisal in due course.
21. When addressing the matters raised in this letter, the council should review whether there are any consequential changes necessary to ensure that the Plan and the Policies Maps read coherently as a whole. The existing schedules of main and additional modifications should be reviewed to remove any inconsistencies and, where possible, proposed changes to individual policies and their associated supporting text should be combined to reduce the overall number of proposed main modifications. As part of that process, I would also be grateful if the council could double-check which they consider to be main modifications and additional modifications. The respective main and additional modifications, and changes to the Policies Map should be in separate documents, in order that I can reach a final view on main modifications.
22. The council should allow me to see the full schedule of main modifications before it is published in order to ensure that it reflects my understanding and to avoid any obvious soundness issues. I would, therefore, be grateful if the full schedule of proposed main modifications, together with the separate schedule of additional modifications and changes to the Policies Map proposed by the council, could be sent to me via the Programme Officer. Could the council please keep me informed of timescales for the production of these documents via the Programme Officer.
23. If there are any procedural issues or other questions arising from this letter, the council should contact me via the Programme Officer. However, I am

not inviting, nor do I envisage accepting, any comments from other examination participants.

Joanna Gilbert

INSPECTOR

4 November 2019