



The Planning Inspectorate

Report to Newcastle City Council

by Joanna Gilbert MA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Date: 9 March 2020

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

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

The Plan was submitted for examination on 13 March 2019

The examination hearings were held between 2 and 11 July 2019

File Ref: PINS/M4510/429/7

Abbreviations used in this report

AAP	Area Action Plan
CAV	Campus for Ageing and Vitality
CSUCP	Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010 – 2030
DtC	Duty to Co-operate
HELAA	Newcastle Housing and Economic Land Availability Assessment 2018
LGS	Local Geological Sites
KEA	Key Employment Area
MM	Main Modification
NDSS	Nationally Described Space Standards
NELEP	North East Local Enterprise Partnership
NIA	Newcastle International Airport
PPG	Planning Practice Guidance
SCI	Statement of Community Involvement
SHMA	Strategic Housing Market Assessment
SPD	Supplementary Planning Document
UDP	Unitary Development Plan
VPA	Viability Profile Area
WEC	Wildlife Enhancement Corridors
WHS	World Heritage Site

Non-Technical Summary

This report concludes that the Newcastle upon Tyne Development and Allocations Plan provides an appropriate basis for the planning of the city, provided that a number of main modifications (MMs) are made to it. Newcastle City Council has specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

The MMs concern matters that were discussed at the examination hearings. The Council has provided the detailed wording for the main modifications, many of which are based on suggestions it put forward during the examination. The Council has also carried out sustainability appraisal of the main modifications. Following the hearings, the main modifications and sustainability appraisal were subject to public consultation over a seven-week period. I have recommended the inclusion of the MMs in the Plan after considering all the representations made in response to consultation on them and the sustainability appraisal.

The MMs can be summarised as follows:

- To add an appendix to set out marketing requirements for employment sites in the interests of effectiveness;
- To clarify dwelling capacity figures for housing allocations for effectiveness;
- To amend various policies to ensure consistency with national policy;
- To delete Policy DM31 and to amend Policy DM30 and its supporting text to ensure the provision and protection of open space;
- To amend various development management policies to provide for necessary clarity or flexibility to ensure they would be justified and effective;
- To provide a revised framework for monitoring for effectiveness;
- To make clear that the remaining saved Unitary Development Plan policies and Area Action Plan policies will be superseded by policies in this Plan; and
- To clarify which policies are strategic in nature.

Introduction

1. This report contains my assessment of the Newcastle upon Tyne Development and Allocations Plan 2015 – 2030 (the Plan) in terms of Section 20(5) of the Planning & 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 sound and whether it is compliant with the legal requirements. 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 Newcastle upon Tyne Development and Allocations Plan 2015 - 2030, submitted in March 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, all of which relate to matters that were discussed at the examination hearings, 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. The Council has provided the detailed wording for the main modifications, many of which are based on suggestions it put forward during the examination. The Council carried out sustainability appraisal of the main modifications. Following the hearings, the main modifications and sustainability appraisal were subject to public consultation from 16 December 2019 to 3 February 2020. I have recommended the inclusion of the main modifications in the Plan after considering all the representations made in response to consultation on them and the sustainability appraisal. I have amended **MM16** to reflect the appropriate road name. I have also amended **MM05**, **MM06**, **MM12**, **MM37**, **MM39**, and **MM64** to correct typographic errors and **MM42** and **MM62** to ensure consistency with other modifications. This does not alter the substance or meaning of these main modifications.

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.
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 require further corresponding changes to be made to the policies map (**MM05**; **MM06**;

MM38; MM42; MM51 and MM52). These further changes to the policies map were published for consultation alongside the MMs.

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.

Assessment of Duty to Co-operate

8. 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 in respect of the Plan's preparation. It is clear from the evidence before me that the Council has engaged constructively with relevant bodies prescribed in section 110 of the Localism Act 2011, together with other organisations, to ensure that cross boundary issues are properly considered and addressed.
9. There is evidence of close and on-going collaboration between the Council, neighbouring local authorities, statutory consultees, and other relevant bodies. This has included engagement within the North East Local Enterprise Partnership (NELEP), which includes authorities within the North of Tyne Mayoral Combined Authority¹ and the North East Combined Authority². In respect of this area, there has been cross-boundary working on spatial planning, transport, housing, and economic development. Additionally, work on the supply of minerals and capacity for waste has been undertaken across a wider area including NELEP authorities, Cumbria and North Yorkshire County Councils and other relevant bodies such as the Environment Agency and Marine Management Organisation. No concerns have been raised by prescribed bodies about cross boundary issues under the Duty to Co-operate (DtC).
10. The Council worked effectively with neighbouring Gateshead Council to produce the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010 – 2030 (CSUCP), adopted in 2015. The Plan allocates sites that contribute to delivering the CSUCP policies and strategy, particularly the housing requirement and related needs for employment, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies. Although the Councils have subsequently prepared separate development management policies and site allocations documents, they have continued to work together to commission joint evidence-base documents and have maintained regular and on-going dialogue. The Councils are working together to review the CSUCP, continuing to demonstrate both Councils' pro-active approach to co-operation in order to secure sustainable spatial outcomes.
11. All adjoining authorities have been consulted at each consultation stage in the production of the Plan in accordance with the Council's Statement of

¹ Newcastle City Council, North Tyneside Council and Northumberland County Council.

² Durham County Council, Gateshead Council, South Tyneside Council and Sunderland City Council.

Community Involvement (SCI). Issues pertaining to green infrastructure and minerals were raised by Northumberland County Council, but these issues have been resolved.

12. Overall, I am satisfied that, where necessary, the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the DtC has therefore been met.

Assessment of Soundness

Background

13. 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.

Main Issues

14. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified seven 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.

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

Employment Sites

15. The CSUCP's spatial strategy prioritises Newcastle's Urban Core for major office, retail, leisure, health and tourism development, with sites allocated for this purpose, and promotes clustering of knowledge-based industries, universities, colleges and hospitals and creative media and digital industries. Economic development is also supported by the CSUCP in Key Employment Areas (KEA) outside the Urban Core at Walker Riverside (marine/offshore engineering and renewables related industries) and Newcastle International Airport (NIA) (airport related uses and general B1, B2 and B8 employment).
16. The CSUCP requires provision of 80 hectares of net developable employment land to be identified and allocated to meet anticipated employment needs to 2030 and a minimum of approximately 410,000 square metres (gross internal area) of office development in Newcastle, with much of the office development to be accommodated in the Urban Core, an area addressed by the CSUCP. Following the review of the Council's Employment Land Review in 2018 to support the development of the Plan, Policy DM1 allocates a range of new employment sites for B1, B2 and B8 development totalling over 21 hectares (net) across the city and safeguards 27 existing employment sites for B1, B2 and B8 development.
17. The process of identifying land for the development of new employment related uses took place through the Council's Housing and Employment Land

Availability Assessment 2018 (HELAA). The HELAA process identified 12 sites for employment-related development for allocation in the Plan, with the Campus for Ageing and Vitality (CAV) site subject to a separate allocation for mixed-use development through Policy DM9. Each site was subject to a detailed assessment process which considered its development potential in terms of site size and density, suitability, availability, achievability including viability and the potential to overcome constraints to development. Gross to net figures for the sites were considered on a site-by-site basis to ensure that net figures took into account specific site constraints. When taken together with the CSUCP's allocations of over 65 hectares (net), the Plan's employment site allocations would be sufficient to meet the CSUCP's requirement of 80 hectares of net developable employment land with a degree of flexibility if the delivery of any employment allocations is delayed or does not take place.

MMO2 is necessary for effectiveness to correct an error in the overall gross and net site areas for Site 9 Site to the West of Goldcrest Way, Newburn.

18. 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. In this context, I have not considered it necessary to give further consideration to any additional employment site allocations (omission sites) within this report.

Protection of Employment Sites

19. In maintaining employment land supply to support the local economy and to be consistent with the CSUCP, Policy DM2 seeks to safeguard against the loss of sites allocated for employment use in the Plan and the CSUCP. In preparing Policy DM2, a review of employment sites was undertaken, and analysis of employment in the city and wider region was carried out through the Council's Employment Land Review 2018, and Newcastle Gateshead Employment Land and Property Demand Assessment Update 2016.
20. Criterion 1iii of Policy DM2 refers to the marketing of sites, but it is not clear what form the evidence of sustained and active marketing should take. It is necessary to provide a new Appendix to the Plan to clarify marketing requirements (**MM63**) and to refer to that Appendix within Criterion 1iii of Policy DM2 (**MM03**). **MMO4** amends the supporting text to clarify that where there are existing non-B1, B2 or B8 use class uses on allocated employment sites, Policy DM2 would not apply to those specific units. These modifications clarify how the policy should be interpreted and implemented and are necessary to ensure effectiveness.

District and Local Centres

21. Supporting Policy CS7 of the CSUCP, Policy DM3 provides for district and local centres which are designated on the Policies Map. 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 2016 – 17.
22. Significant tracts of land have been developed recently or are currently under development around Newcastle and are contributing to the delivery of new housing. These areas of housing include emerging District and Local Centres where there is a greater mix of non-retail uses, including residential

development, than in existing District and Local Centres. Accordingly, **MM05**, **MM06**, and **MM57** amend the policy, its supporting text and Appendix 1 to recognise the existence of emerging centres and their different strategic role, and allow for greater flexibility for town centres to grow and diversify consistent with paragraph 85 of the Framework. I have amended **MM05** and **MM06** to remedy typographic errors in underlining of text. These do not alter the substance or meaning of the main modifications.

23. Paragraph 3.3.8 of the Plan refers to the Council's Hot Food Takeaways Supplementary Planning Document 2016 (SPD) and confirms that hot food takeaway uses will be assessed against Policy DM3 and the SPD. Though the Council has adopted the SPD, it does not form part of the development plan and is not before me for examination. Despite concerns about the SPD's content, the deletion of paragraph 3.3.8 would not be necessary or justified.

Retail and leisure impact assessment threshold

24. Policy DM4 requires retail and leisure proposals outside designated centres to consider their impact on existing centres' vitality and viability. Following paragraph 9.32 of the supporting text to CSUCP Policy CS7 which confirms the intention to consider a local threshold for impact assessment, Policy DM4 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.
25. Newcastle already has a wide range of out of centre retail and leisure floorspace, including several retail parks. The Council's District and Local Centre Health Checks 2016 – 17 indicate that a number of existing district and local centres in Newcastle are 'at risk' and are underperforming, but have the potential to improve; 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 is justified by local circumstances in order to protect against adverse impacts on the vitality of centres.

Conclusion on Issue 1

26. I conclude that, subject to the recommended MMs, the policies for employment provision and retail and leisure development are positively prepared, justified, effective and consistent with the CSUCP and national policy.

Issue 2 – Does the Plan set out positively prepared policies for housing, which are justified, effective and consistent with the CSUCP and national policy?

Housing Provision

27. The CSUCP requirement for Newcastle is for a minimum of 19,000 new homes (gross) from 2010 to 2030 as set out in Policy CS10. With forecast losses, the net figure is 17,000 new homes. The spatial distribution of new homes is split across the Urban Core; Neighbourhood Area including a Neighbourhood Area

of Change; Neighbourhood Growth Areas on the edge of the built-up area; and Neighbourhood Opportunity Areas at Benwell and Scotswood, Elswick, Byker and Walker Riverside; and the Rural and Village Area.

28. The Council's paper on the Approach to Housing, Employment and Mixed Allocations identifies the potential for 9,380 homes within CSUCP allocations and the Urban Core, while CSUCP allocations with permissions included a further 373 dwellings over and above the 9,380 homes. Completions between 2010/11 and 2017/18 stood at 5,518, with a further 571 units permitted but yet to be built on sites under construction and 454 units with planning permission. The completions, permitted but not yet built on sites under construction, and planning permission figures exclude sites in the CSUCP, Urban Core and the allocations in this Plan in order to avoid double-counting. There is also an allowance for delivery of 600 homes on small sites accommodating less than 5 homes. This results in a requirement of 2,104 homes to be dealt with through allocations in this Plan. At least 10% of the Plan's requirement would be accommodated on sites of one hectare or less in line with paragraph 68 of the Framework.
29. The Plan as submitted makes provision for approximately 4,200 homes within allocations set out in Policy DM5. While this represents a figure of approximately 100% above the residual CSUCP requirement, 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. However, the Plan does not make the likely capacities of individual site allocations clear, although the capacities were provided in the HELAA. In order to be effective, **MMO7** is necessary to set out the indicative capacity of each of the allocated housing sites and to set out the overall total indicative capacity resulting from allocations.
30. Although Newcastle experienced historic undersupply of housing up to 2014/2015, in recent years the pace and volume of residential developments in the city has accelerated considerably. This includes delivery of housing on a number of the Neighbourhood Growth Areas identified in the CSUCP, with the majority of those sites having obtained at least partial planning permission and seven of the sites being under construction by March 2019.

Allocated Sites

31. As the CSUCP also deals with sites within the Urban Core, the sites allocated in Policy DM5 range in size and are located across the city outside the Urban Core, primarily within the Neighbourhood Area identified in the CSUCP and with a strong focus on Neighbourhood Opportunity Areas at Walker Riverside, Benwell and Scotswood. Of the allocated sites within the Neighbourhood Area set out in Policy DM5, a number of housing sites have been carried forward from the Walker Riverside Area Action Plan (AAP) and the Benwell Scotswood AAP.
32. While some of the 47 housing sites within the two AAPs have been delivered, 19 unimplemented AAP sites have been rolled forward into the Plan and form just under half of the sites allocated within Policy DM5. The principle of development on the AAP sites and any relevant infrastructure capacity

implications were already established in the respective AAPs. From site observation and from the evidence I have read and heard with regard to the Council's range of delivery mechanisms for these sites, I consider that there is a reasonable prospect of development on these site allocations within the plan period. In the case of Site 11 Belmont Street Church, Walker and Site 21 Scotswood Development Area, Scotswood, development is underway on site.

33. With regard to the loss of open space at the housing allocation at Site 25 Land south of Hallow Drive, Throckley, there is alternative amenity green space available within a reasonable walking distance of 400 metres from the site and an assessment has been undertaken which has clearly shown the open space to be surplus to requirements. As such, I consider that this allocation is justified.
34. Sites 40 Land to the north of Thornley Road, West Denton and 41 Land to the south of Hartburn Walk, Kenton are allocated within Policy DM5 for housing including provision for at least 30% specialist and/or affordable housing. A projected increase in the population aged over 65 is noted in the Council's Strategic Housing Market Assessment 2017 (SHMA) and a need for such accommodation in Denton and Westerhope and Kenton wards is outlined in Housing Needs Assessments for the two sites. Accordingly, the allocation of sites would be consistent with national policy and with Policy CS11 of the CSUCP in terms of increasing the choice of suitable accommodation for the elderly, disabled people, and those with specific needs such as for a larger accessible home.
35. While both Sites 40 and 41 would give rise to loss of amenity green space, it is clear from the Council's open space assessments that Denton and Westerhope and Kenton wards have significant amounts of amenity green space and no deficiency in this form of open space would result from the sites' development. Given the importance of addressing the need for specialist and affordable housing and the level of amenity green space remaining in the relevant wards, I consider that the allocations are justified.
36. The Plan forms one element of overall housing supply, with the CSUCP providing a significant source of supply in its own right. I consider that the sites discussed above and the other housing site allocations in the Plan are justified. Taken collectively, the Plan and other sources of supply make adequate provision for homes to meet the minimum CSUCP requirements. Supporting the aim in paragraph 59 of the Framework to significantly boost the supply of homes, the site allocations in Policy DM5 would provide some resilience, address any possible under-delivery of sites, and allow for choice in the housing market. I am satisfied that the Council has identified sufficient land that is available to meet its five-year housing land supply requirement and that the Plan would assist in ensuring a rolling five-year supply of deliverable housing land.
37. Although alternative sites have been promoted for allocation, given the level of provision for housing supply within the Plan, it has not been necessary for me to scrutinise the relative merits of alternative sites and I have not referred to them in any detail in this report.

38. Subject to the inclusion of **MMO7** and on the basis of the above evidence, I am satisfied that the housing allocations in the Plan are soundly based and are consistent with the requirements of the CSUCP.

Housing standards

39. The Framework confirms that planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing and may make use of the nationally described space standard (NDSS), where these standards would address an identified need. The Planning Practice Guidance (PPG)³ indicates that it is for the local planning authority to set out how it intends to demonstrate the need for such dwellings and indicates factors which can be considered, including viability. There is no requirement in national policy or guidance for a transitional period to be set out for policies addressing accessible and adaptable homes, while there is scope to allow for a transitional period in relation to the NDSS.
40. Policy DM6 seeks to ensure that new homes are flexible and adaptable to meet the needs of the city's population by requiring new housing developments of 11 dwellings or more to provide 25% of all new homes built to Accessible and Adaptable Standard (M4(2)), while Policy DM7 sets out the requirement for new housing to comply with the NDSS.
41. 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.
42. The SHMA confirms that the city's population is likely to increase by approximately 30,680 persons to 2030. The SHMA projects an increasingly ageing population in that time, with some 47% of overall net population growth projected to be 65 or over and 25% expected to be aged over 75, and an increase in those of 65 and over with a long-term limiting illness.
43. Furthermore, based on Public Health England profiles set out in the SHMA, Newcastle has higher levels of deprivation and public health problems, and lower life expectancy than England as a whole. The SHMA and the Council's Newcastle Specialist Housing Delivery Plan 2017 - 2021 outline considerable spending on Disabled Facilities Grants for the adaptation of existing homes in Newcastle to meet residents' needs and the latter document also sets out anticipated delivery of a mix of specialist housing. Furthermore, the SHMA confirms that just under 10% of the Council's Housing Needs Register in 2017 were registered as needing to move for welfare or disability reasons.
44. The Council's 2019 Supplement to the SHMA on Housing for People with Disabilities also indicates that the English Housing Survey identifies close to
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³ PPG Paragraph 56-002-20160519

50% of existing stock which would not be adaptable or which would require major works to be visitable. The SHMA Supplement and a subsequent Additional Note – Matter 3 Homes (26 July 2019) refer to the needs within both market and affordable housing and both documents indicate a minimum need for adapted housing of 10,099 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.

45. Although the evidence before me does not demonstrate that the existing housing stock across Newcastle as a whole is made up of particularly small dwellings, the SHMA indicates that, based on analysis of completions in new build house types over a two year period in Newcastle undertaken in August 2017, 64% of two, three and four-bedroom properties analysed did not meet the NDSS. The greatest average difference in square metreage was in three-bedroom properties. The Council's document Gateshead & Newcastle upon Tyne Compliance with NDSS Targets and Implementation of the Standard (February 2019) also assesses data from energy performance certificates between 2010 and 2018, where a reduction in average floorspace has been seen over an eight-year period.
46. While there is little evidence that those living in these smaller two, three and four-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.
47. It is also necessary to consider the effect that the requirements of Policies DM6 and DM7 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 stage⁴.
48. The Council's Viability and Deliverability Report 2018 and the Council's post hearings note on Policy DM6 Accessible and Adaptable Housing (Action 42) 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, 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.
49. As the Inspector who examined the CSUCP noted, a key area of concern remains the deliverability of sites within the Low and Low Mid viability profile

⁴ PPG Paragraph 10-002-20190509

areas (VPA), where viability is challenging. However, many of the sites in these VPA are in public ownership. The Council has made a strong commitment to bringing the sites forward through a range of mechanisms, including joint venture partnerships with the private sector. Indeed, there is evidence of delivery of housing on sites across the city 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.

50. 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.
51. In terms of timing, to be consistent with the advice set out in the PPG, it may be necessary to provide a transitional period to allow for the implications of Policy DM7 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 DM7.
52. Notwithstanding my findings, there are detailed issues with Policies DM6 and DM7 as submitted regarding compliance with national policy and guidance. Accordingly, the submitted policies would not be sound. **MM08** is necessary to amend Policy DM6 to be consistent with the glossary definition of major development within the Framework and to refer specifically to the accessible and adaptable homes M4(2) requirement, while **MM09** amends the supporting text to Policy DM6 in order to be justified and consistent with national policy and guidance with regard to the imposition of the M4(2) requirement.
53. **MM10** amends Policy DM7 as the NDSS deals with floorspace and other matters such as ceiling heights. This is necessary for effectiveness and consistency with national policy.
54. 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 (**MM11**).

Campus for Ageing and Vitality

55. The Council is seeking the CAV site's regeneration for a range of uses, including residential uses. Policy DM9 outlines the parameters for those uses. This will involve the development of a masterplan to ensure the site's comprehensive redevelopment and to confirm the quantum of different uses. **MM12** is necessary for effectiveness to clarify the need to preserve and enhance heritage assets as part of the site's redevelopment. I have amended **MM12** to remedy a typographic error. This does not alter the substance or meaning of the main modification.

Conclusion on Issue 2

56. I conclude that, subject to the recommended MMs, the policies for housing are positively prepared, justified, effective and consistent with the CSUCP and national policy.

Issue 3 - Is the Plan's approach in terms of transport infrastructure justified, effective and consistent with the CSUCP and national policy?

57. Pedestrian and cycle movement is addressed by Policy DM10. **MM13** makes reference to accessible and inclusive environments for pedestrians and cyclists to ensure that the Plan is effective and consistent with national policy.

58. Policy DM11 seeks to ensure that major new developments are sustainable and accessible by public transport and designates Park and Ride sites within the city. **MM14** and **MM16** are necessary to ensure that the expansion of Callerton Parkway Park and Ride shown on the Policies Map is clearly supported by Policy DM11 and would be effective. I have amended **MM16** to reflect the appropriate road name close to the Park and Ride site. This is a factual correction and does not alter the substance or meaning of the main modification itself. In the interests of effectiveness, **MM15** clarifies the frequency with which major developments should be served by public transport.

59. Policy DM12 sets out requirements for safe parking and adequate servicing. In order to be effective, modifications are necessary to Policy DM12 to clarify car and cycle parking standards by inserting a new Appendix in the Plan (**MM61**) and making reference to that Appendix in Policy DM12 and the supporting text (**MM17** and **MM18**). **MM18** is also necessary in order to ensure that the supporting text is consistent with Policy DM12's criterion 2.

60. Supporting the safe and efficient movement of people and goods on the highway network, Policy DM13 refers to the city's road hierarchy. It is necessary for effectiveness for **MM58** and **MM59** to modify Appendix 2 – Road Hierarchy to refer to servicing requirements off Primary and Secondary Distributor Roads respectively.

Conclusion on Issue 3

61. Subject to the above MMs, the Plan provides an appropriate framework for the delivery of transport infrastructure, which would be justified, effective, and consistent with the CSUCP and with national policy.

Issue 4 – Is the Plan's approach to the historic and built environment and environmental and health impacts of development positively prepared, justified, effective and consistent with the CSUCP and with national policy?

Conservation of Heritage Assets

62. Policy DM15 seeks to conserve heritage assets and sets out criteria against which development proposals affecting heritage assets will be considered. **MM19** amends the supporting text to set out how the policies of the CSUCP and the Plan work together to promote the conservation and enjoyment of the historic environment. By doing this, I consider that a positive strategy for the

historic environment is provided. This is necessary to ensure that the requirements of paragraph 185 of the Framework are met. **MM20** makes changes to criterion 3i of Policy DM15 to ensure consistency with national policy and to be effective, while **MM21** is necessary for effectiveness to provide clarity with regard to non-designated heritage assets in the city.

63. Policy DM17 relates to the preservation of archaeological remains and archaeological work, including sustaining the Outstanding Universal Value of the Frontiers of the Roman Empire World Heritage Site (WHS). **MM22** amends Policy DM17 with regard to preservation of remains in-situ; the setting of the WHS; and depositing results of archaeological investigations. **MM23** confirms that further archaeological mitigation may be required dependent on results of preliminary investigations. These modifications are necessary for effectiveness and consistency with national policy.
64. Policy DM18 addresses building recording prior to the demolition, alteration, extension or restoration of heritage assets. **MM24** amends the policy to ensure that it accords with footnote 64 of the Framework and is consistent with Policy DM17 and its supporting text.
65. Policy DM19 seeks to protect the significance of the registered Battlefield of Newburn Ford 1640. Given that the interpretation of the course of events during the battle would not comprise the landscape alone, **MM25** and **MM26** are necessary to ensure that the significance of the designated heritage asset is not compromised, and that the policy is effective.

Design

66. Dealing with design, Policy DM20 sets out a range of place-making criteria. **MM27** and **MM28** amend Policy DM20 and its supporting text to address the need to promote active and healthy lifestyles to ensure consistency with the CSUCP and national policy, while **MM28** also clarifies potential considerations in addressing the impact of climate change for the Plan to be effective.
67. Focussed on the preservation and enhancement of the city's environment, Policy DM21 addresses shopfronts and signage. **MM29** is necessary to ensure that development proposals are sympathetic to local character and history through restoration and reinstatement of historic shopfront features, where appropriate, in line with national policy.
68. In line with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) and with paragraph 132 of the Framework, Policy DM22 deals with the assessment of temporary shroud advertisements in order to ensure that the advertisements do not negatively affect the character and appearance of an area which forms part of its amenity, and public safety. However, **MM30** is necessary to ensure that Policy DM22 and its supporting text are consistent and therefore effective.

Environmental and health impacts of development

69. Policy DM23 deals with matters encompassing residential amenity and the environmental and health impacts of development. **MM31** proposes the deletion of paragraph 6.9.6 to be consistent with Policy DM23 and in order to be justified and effective.

70. In terms of the environmental and health impacts of development, Policy DM24 and its supporting text justifiably identify circumstances where assessments and mitigation would be required. In order to provide clarity on the Council's proportionate approach to requiring such assessments, **MM32** sets out an additional paragraph of supporting text which confirms that the Council's validation checklist sets out appropriate criteria and thresholds and is subject to regular review.

Aircraft safety

71. Policy DM25 addresses aircraft safety issues related to NIA, including aerodrome safeguarding and public safety zones. Reference is required to the council's interactive mapping, which shows height contours for aerodrome safeguarding. Clarification is also needed to confirm relevant consultees for planning applications within the safeguarded area. **MM33** is therefore necessary to ensure that the policy is effective and accessible through digital tools to assist public involvement. In order to be effective, it also clarifies that the impact of development will need to be assessed in terms of aircraft safety, and that any mitigation strategy will need to consider cumulative impact.

Conclusion on Issue 4

72. Subject to the MMs referred to above, I find that the policies relating to the historic and built environment and the environmental and health impacts of development are positively prepared, justified, effective and consistent with the CSUCP and national policy and will provide sufficient measures to preserve and enhance the historic and built environment and to address the environmental and health impacts of development.

Issue 5 – Is the Plan's approach to the natural environment positively prepared, justified, effective and consistent with the CSUCP and national policy?

Flood Risk and Water Management

73. Policy DM26 provides criteria by which to manage and reduce flood risk, manage drainage, and protect and improve water quality. **MM34** and **MM36** amend Policy DM26 and its supporting text to ensure compliance with the Framework with reference to green infrastructure, while **MM34**, **MM35** and **MM37** are necessary to clarify the requirements for drainage strategies to accompany Flood Risk Assessments and surface water management, the provision and maintenance of Sustainable Drainage Systems (SuDS), and to ensure that pollution impacts do not arise from the transport network as a result of development. These modifications will ensure the Plan's effectiveness. I have amended **MM37** to correct a typographic error. This does not alter the substance or meaning of **MM37**.

Green Infrastructure

74. Policy DM27 seeks to protect and enhance green infrastructure, with a Strategic Green Infrastructure Network set out on the Policies Map. **MM38** adds a reference to green infrastructure opportunity areas being shown on the Policies Map, makes mention of the need to enhance the beneficial use of the Green Belt, and clarifies how the Council will deal with developments which

would have an adverse effect on green infrastructure assets. This is necessary to be effective and to be consistent with the Framework, including paragraph 141 with regard to Green Belt.

75. **MM39** amends the supporting text to clarify how the Council deals with strategic green infrastructure as a part of masterplanning allocations. I consider that this is appropriate to ensure that such proposals take full regard of the need for strategic green infrastructure and to ensure that the Plan is effective and consistent with the CSUCP. I have amended **MM39** to remedy a typographic error. This does not alter the substance or meaning of **MM39**.

Trees and landscape features

76. Policy DM28 aims to protect, enhance and manage existing trees and landscape features, including protection of ancient woodland and veteran trees in the context of new development, and requires provision of new trees and landscaping in new developments. **MM40** is necessary to ensure that Policy DM28 is consistent with paragraph 175 c) of the Framework with regard to the loss or deterioration of irreplaceable habitats and suitable compensation strategies. **MM41** amends the policy's supporting text to render it effective and consistent with the policy.

Biodiversity and Geodiversity

77. Policy DM29 seeks to protect biodiversity and geodiversity sites, protected and priority species and priority habitats. During the examination, I expressed concerns that sufficient account had not been taken of geodiversity in line with the Framework and PPG. The Council undertook further work to identify Local Geological Sites (LGS), which was made publicly available as part of main modifications consultation. **MM42**, **MM43**, **MM45**, and **MM60** make changes to Policy DM29, Figure 5 and the policy's supporting text with regard to geodiversity which are necessary to achieve clarity, make reference to LGS, and ensure consistency with paragraphs 170, 174 and 175 of the Framework. As shown on Figure 5 and the policies map, LGS have been identified at Callerton Channels, Hazlerigg Channel, Jesmond Dene, Prestwick Carr, St Anthony's, Sugley Dene, Town Moor, Walbottle and Throckley Dene. **MM44** is also required to be consistent with paragraph 175 of the Framework and to provide clarity on the importance of the River Tyne for biodiversity. I have amended **MM42** for consistency in the use of acronyms. This does not alter the substance or meaning of the main modification.
78. Both Policies DM28 and DM29 refer to Wildlife Enhancement Corridors (WEC), which seek to protect and create linkages between existing wildlife habitats to enhance biodiversity and to create new wildlife habitats within new development. Based on the evidence, including the Council's post-hearing clarification of how sites had been scored to result in the WEC designation, I am satisfied that the designation of WEC was carried out with due rigour and that the methodology is robust. Clarifying the Council's approach to delivering WEC, **MM46** and **MM47** are necessary for effectiveness and consistency with national policy.
79. While I recognise NIA's aspirations to extend the runway and site KEAc's regional importance for freight and distribution development with airside access, WEC designation would not be unduly restrictive and would not

necessarily prevent development from coming forward. Furthermore, and as the Council has acknowledged, if proposals for WEC enhancement were to come forward as part of the planning process, Policy DM25 may be used to ensure that NIA's operational integrity is maintained.

Open Space

80. Policies DM30 and DM31 respectively address protection of and provision of open space, sports and recreational buildings and land. As currently drafted, there are inconsistencies in the two policies and their supporting text, particularly in relation to sports and recreational buildings and land and the Council's Plan for Playing Pitches and Plan for Built Facilities. **MM48** combines the two policies and is necessary for clarity and effectiveness and to be consistent with paragraphs 96 and 97 of the Framework.

Green Belt

81. Policy DM32 deals with development within the Green Belt, including within Woosington Village Envelope where the policy seeks to maintain the village's verdant and spacious character. **MM49** brings the policy into line with the wording of paragraph 145 of the Framework.

Conclusion on Issue 5

82. Subject to the MMs referred to above, I consider that the Plan is positively prepared, justified, effective, consistent with the CSUCP and national policy and will provide sufficient measures to protect, preserve and enhance the natural environment.

Issue 6 – Is the Plan's approach to the provision for minerals, waste and infrastructure effective, justified and consistent with the CSUCP and national policy?

83. The whole of Newcastle is designated as a Minerals Safeguarding Zone in CSUCP Policy CS20 due to the presence of shallow coal reserves and associated clays across the city. There are also small pockets of sand and gravel deposits. There is one opencast coal extraction site at Brenkley Lane being worked with phased working and site restoration planned until 2021.
84. Regional guideline supply figures for aggregates have been set by Government. Aggregate supply and demand in the North East is monitored through the annual Local Aggregates Assessment, prepared by the mineral planning authorities in County Durham, Northumberland and Tyne and Wear.
85. The Framework requires a minimum landbank of seven years for sand and gravel reserves. Newcastle's ability to contribute to this is restricted by the level and location of sand and gravel deposits. The Council's Minerals Background Paper confirms that there are three highly constrained areas of known sand and gravel reserves at Newburn Riverside, Gosforth and Prestwick Carr. As a result, there are no proposed specific sites or preferred areas proposed for safeguarding for sand and gravel extraction in the city. The provision of sand and gravel will therefore be made by other authorities in Tyne and Wear and North East England.

86. The Framework requires a minimum landbank of ten years for crushed rock. There are no identified sites for the extraction of crushed rock within Newcastle. Within Tyne and Wear, there are two sites producing crushed rock in Sunderland and South Tyneside.
87. 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.
88. Newcastle has limited supplies of brick shale and brick clay, which are only likely to be extracted as part of opencast coal extraction. The opencast coal extraction site at Brenkley Lane is a current source of fireclay, with some 270,000 tonnes of fireclay expected to be won as well as an estimated 2.9 million tonnes of coal. Fireclay is currently supplied to the local brickworks in Throckley. There is also potential for fireclay extraction as part of any coal extraction at Dewley Hill.
89. Brick clay is defined by the Framework within its glossary as being a mineral resource of local and national importance. This includes fireclay. The Framework states that there should be a landbank of at least 25 years of reserves for brick clay. As such it is necessary to understand the level of brick clay reserves within the city. Following the hearings sessions, the Council confirmed that there is a sufficient landbank of 27 years' permitted reserves for brick clay from Red Barns Quarry in South Tyneside.
90. In order to be justified, effective and consistent with national policy, **MM50** amends the supporting text to Policy DM33 to set out the landbank situation for sand and gravel, crushed rock, and brick clay.

Minerals Extraction and Reclamation

91. Policy DM33 sets out criteria against which applications for minerals extraction and restoration strategies will be scrutinised. The need for Environmental Impact Assessment is addressed by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and does not need to be repeated in this policy. Furthermore, while there is limited best and most versatile agricultural land in Newcastle, criterion 1v of Policy DM33 is consistent with national policy and is effective.
92. However, given the potential for minerals development to impact on climate change, specific reference to this consideration should be included in Policy DM33 (**MM51**) to be consistent with national policy. Moreover, in order to be consistent with the Framework, references to the term 'eliminated' should be deleted from Policy DM33 and from the supporting text (**MM51** and **MM52**). Additionally, **MM51** and **MM53** are necessary to ensure that the Plan is consistent with national policy expressed at paragraph 204 e) of the Framework with regard to safeguarding of minerals infrastructure.

Area of Search at Dewley Hill

93. The Framework and the PPG set out how planning authorities should provide for extraction of mineral resources of local and national importance, including shallow and deep-mined coal. The Framework at paragraph 209 d) states that mineral planning authorities should indicate any areas where coal extraction may be acceptable. In the absence of designating Specific Sites or Preferred Areas, this can involve the designation of Areas of Search⁵. These are areas where knowledge of mineral resources may be less certain but within which planning permission may be granted, particularly if there is a potential shortfall in supply. CSUCP Policy CS20 confirms that Areas of Search would be defined in subsequent Local Development Documents.
94. Following the Council's 2015 call for minerals sites, the Dewley Hill site near Throckley was proposed for opencast extraction of some 800,000 tonnes of coal and 200,000 tonnes of fireclay. The shallow deposits of coal at Dewley Hill are considered to be low in chlorine, sulphur and ash content, and would be likely to be used in industrial processes. The Dewley Hill site is proposed for designation as an Area of Search for the extraction of coal and secondary materials based on the knowledge of the extent and quality of the minerals that could potentially be won from the site.
95. There are constraints that could impact upon the ability to extract coal and fireclay from this site, including flood risk, heritage assets, biodiversity, loss of agricultural land, and proximity to residential development. The site lies within the Newcastle Green Belt and is located close to land allocated for housing development at Lower Callerton, which has recently received planning permission (2018/0382/01/DET). The Council has confirmed that sterilisation of mineral resources could be avoided by extraction occurring at Dewley Hill in advance of housing development coming forward.
96. The Framework states at paragraph 211 that planning permission should not be granted for coal extraction unless the proposal is environmentally acceptable, or can be made so by planning conditions or obligations, or if not, it provides national, local or community benefits which clearly outweigh the likely impacts to justify granting planning permission. Proposals for mineral extraction would be subject to a detailed environmental assessment of the impacts to consider whether extraction would be environmentally acceptable in accordance with local and national policies. Such matters are for separate consideration by the Council in connection with the determination of planning applications. They do not relate directly to the Area of Search's designation, to which the Examination's scope and this report is strictly limited.
97. The Framework confirms that certain other forms of development, including mineral extraction, are not inappropriate in the Green Belt provided that they preserve its openness and do not conflict with the purposes of including land within it. Given the site's constraints, I consider it is appropriate that the

⁵ PPG Paragraph Reference: 27-008-20140306.

Council has not sought to allocate a Specific Site or Preferred Area for mineral extraction. Based on the evidence regarding coal and fireclay resources, the Area of Search designation is consistent with national policy and is justified.

Recycling and Refuse Storage Provision

98. CSUCP Policy CS21 addresses the Council's strategic approach to waste management and safeguards waste facilities in the city. In order to ensure sustainable waste management, Policy DM35 deals with refuse and recycling storage provision within developments. **MM54** and **MM55** are necessary to ensure that the refuse and recycling storage is 'high quality' rather than 'innovative'. The latter would not necessarily be achievable and the policy and supporting text would not therefore be effective without modification.

Telecommunications and Digital Infrastructure

99. Policy DM36 sets out the Council's requirements for telecommunications and digital infrastructure. In order to be effective, **MM56** requires demonstration of the supply of digital infrastructure within development sites.

Conclusion on Issue 6

100. I conclude that, subject to the aforementioned MMs, the Plan's approach is effective, justified and consistent with the CSUCP and national policy in relation to minerals, waste and infrastructure.

Issue 7 – 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?

101. Appendix 6 sets out the Plan's monitoring framework, which supports the CSUCP's monitoring framework and delivery strategy. Policies within this Plan will also be measured against relevant CSUCP indicators. For effectiveness, **MM64** clarifies the relationship between the two monitoring frameworks and confirms how the Council will undertake monitoring processes. I have amended MM64 to address a typographic error. This does not alter the substance or meaning of the main modification. The Appendix lists the Plan's policies and sets out issues to be monitored. A number of the indicators, trigger points for remedial action, and potential remedial actions lack precision or would not be relevant and measurable. **MM65** and **MM66** amend trigger points and potential remedial actions in Table 1 and indicators in Table 2 within the Appendix to ensure effectiveness. Subject to the MMs outlined, the Plan's monitoring framework would be effective and in general conformity with the CSUCP.

Assessment of Legal Compliance

102. 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.
103. 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 Newcastle currently consists of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010 – 2030 (2015), the Scotswood Benwell AAP (2009), the Walker Riverside AAP (2007), and the saved policies of the Newcastle Unitary Development Plan (1998)(UDP). Upon adoption, the Plan will supersede the UDP and the two AAPs. This should be set out in the Plan (**MM62**). I have amended **MM62** to ensure consistency with **MM48** in respect of the title of Policy DM30. This does not alter the substance or meaning of the main modification.
104. The Plan has been prepared in accordance with the Council's Local Development Scheme 2017.
105. Consultation on the Plan and the MMs was carried out in compliance with the Council's SCI 2013 and the subsequent SCI 2018. The Council's Compliance Statement and Consultation Feedback Report accompanying the submitted Plan sets out the steps that were taken to ensure compliance with the relevant SCI during the Plan's production. I am of the view that consultation was satisfactory when measured against the SCI requirements.
106. Sustainability appraisal has been carried out and is adequate.
107. The Gateshead and Newcastle Councils Core Strategy and Urban Core Plan Habitat 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. 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.
108. The Plan complies with national policy 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, **MMO1** clarifies that none of the Plan's policies are strategic.
109. The Plan complies with all other relevant legal requirements, including the 2004 Act (as amended) and the 2012 Regulations. 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 including

policy for specialist residential accommodation and for accessible and adaptable housing.

Overall Conclusion and Recommendation

110. 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 explored in the main issues set out above.
111. The Council has requested that I recommend MMs to make the Plan sound and legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix, the Newcastle upon Tyne Development and Allocations Plan 2015 – 2030 satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the Framework.

Joanna Gilbert

Inspector

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