

Committee Report

Application No:	DC/18/00574/FUL
Case Officer	Tracy Long
Date Application Valid	6 June 2018
Applicant	Follingsby International Enterprise Park Limited
Site:	Follingsby Park South Follingsby Lane Gateshead NE10 8YA
Ward:	Wardley And Leam Lane
Proposal:	Variation of condition 1 (approved drawings) of planning permission DC/18/00237/OUT to incorporate the adjacent South Follingsby Farm site into the wider Follingsby International Enterprise Park development area by extending the green infrastructure and built development zones further west and removing access 1 and repositioning accesses 2 -5 and the associated bus stops and crossings along Follingsby Lane (Submitted with a Supplementary Environmental Statement).
Recommendation:	GRANT SUBJECT TO A SECTION 106 AGREEMENT
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF APPLICATION SITE

The application site is an area of fields / agricultural land which measures around 37.62 hectares, south of Follingsby Lane. The topography of the site falls from north to south towards the River Don.

1.2 There are a range of utilities on the site. Overhead electricity cables cross the site running in an east to west direction. Below ground is a high pressure gas mains which runs across the site again in an east to west direction. Connecting to this is a medium pressure gas mains which runs south to north through the site.

1.3 The site is allocated for up to 90,000m² of employment land (B8 storage and distribution uses) under policy KEA2 South of Follingsby Lane in the Council's adopted Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne (CSUCP). The site is also situated within a Wildlife Corridor. The vast majority of the site is situated within Flood Zone 1. There is a small area of the southern part of the site, which runs adjacent to the River Don which is situated within Flood Zones 2 and 3.

- 1.4 The site is situated on the south eastern edge of Gateshead, with the Borough of South Tyneside to the north and east and the City of Sunderland to the south. The site lies immediately to the south of Follingsby Lane, with Follingsby Park Industrial Park which includes a range of manufacturing and storage / distribution uses to the north. The former Leamside Railway Line is immediately to the east of the site with fields, commercial uses, stables and some residential properties further east in South Tyneside. The River Don is immediately to the south of the site with fields, a riding stables, playing pitches and the residential areas of Washington to the south in Sunderland. South Follingsby Farm is to the west of the site with the A194 motorway, Heworth Golf Club and the residential areas of Wardley and Heworth beyond.
- 1.5 **DESCRIPTION OF PLANNING APPLICATION**
Outline planning permission DC/18/00237/OUT was granted in May this year on this site for a large commercial development - Follingsby International Enterprise Park. This previously approved outline planning permission related to 225,000m² of B8 (storage and distribution) and B2 (general industry) floorspace along with associated offices, internal roads, car parks, infrastructure and landscaping. All matters were reserved except access and landscaping of the green infrastructure zone.
- 1.6 This planning application seeks to vary condition 1 (approved drawings) of planning permission DC/18/00237/OUT to incorporate the adjacent South Follingsby Farm site to the west into the wider Follingsby International Enterprise Park development area. This planning application therefore proposes to change the approved plans by extending the green infrastructure and built development zones further west. The proposed changes also include removing access 1 and repositioning accesses 2 -5 and the associated bus stops and crossings along Follingsby Lane.
- 1.7 **Linked Applications**
This current planning application is one of three linked planning applications for the Follingsby International Enterprise Park (DC/18/00573/COU, DC/18/00574/FUL and DC/18/00575/FUL). The earlier applications split the development site into two areas : a green infrastructure zone and a built development zone. Given that the applicant has acquired South Follingsby Farm amended plans have been developed which extend the built development zone approved under the earlier outline consents westward into the approved green infrastructure zone. The green infrastructure zone is then to be re-provided on the new South Follingsby Farm site to the west. No change is proposed to the overall quantum of floorspace or the type of uses B8 (storage and distribution) and B2 (general industry). The total quantum of green infrastructure remains the same at 13.08 hectares as previously approved.
- 1.8 A legal agreement will be required for these 3 linked applications to ensure that the development takes place in a comprehensive manner across the whole of the wider site.
- 1.9 **Timing of Development**

The construction of the development is anticipated to take up to 4 years, including site preparation, enabling works and construction, including ground works, foundations, buildings and external service yards and car parking. On the basis that construction works commence in the third quarter of 2018 they are anticipated to end in 2021.

1.10 EIA DEVELOPMENT

The earlier outline proposals were considered to be EIA development and were therefore submitted with an Environmental Statement (ES). The submitted ES considered the likely significant effects arising during the construction and operation of the development and the potential cumulative effects which may arise when considered with other relevant nearby developments.

1.11 Supplementary Environmental Statement (SES) has been submitted with these three linked applications to consider any changes resulting from the proposed amendments to the previously approved schemes in the context of the new proposals for the farm site and any additional survey work undertaken since the submission of the most recent Environmental Statement in March 2018.

1.12 PLANNING HISTORY

The application site has a number of relevant planning applications as detailed below:

DC/17/01117/OUT OUTLINE APPLICATION for 90,000m² of B8 (storage and distribution) and B2 (general industry) floorspace, along with associated offices, internal roads, car parks, infrastructure and landscaping, with all matters reserved except access (submitted with an environmental statement). APPROVED 5 January 2018.

DC/18/00111/REM RESERVED MATTERS APPLICATION relating to appearance, layout, scale and landscaping for the phase one area of development (comprising works to Follingsby Lane, plot entrances, formation of development plateaus, green infrastructure development and related infrastructure works) pursuant to outline planning application DC/17/01117/OUT. APPROVED 18 April 2018.

DC/18/00237/OUT OUTLINE APPLICATION for 225,000m² of B8 (storage and distribution) and B2 (general industry) floorspace, along with associated offices, internal roads, car parks, infrastructure and landscaping with all matters reserved except access and landscaping of the green infrastructure zone (submitted with an environmental statement). APPROVED 10 May 2018.

DC/18/00573/COU Demolition of farmhouse / barn buildings and change of use of land to provide extended green infrastructure and built development zones for the adjacent Follingsby International Enterprise Park including the closure of the existing vehicle access and the formation of a new vehicle access off Follingsby Lane to replace access 1 one of the 6 accesses approved under planning permission DC/18/00237/OUT (submitted with Supplementary Environmental Statement). Decision Pending – also being considered at this committee meeting.

DC/18/00575/FUL Variation of condition 1 (approved drawings) of planning permission DC/18/00111/REM to incorporate the adjacent South Follingsby Farm site into the wider Follingsby International Enterprise Park development area by extending the green infrastructure and built development zones further west (submitted with Supplementary Environmental Statement). Decision Pending – also being considered at this committee meeting.

2.0 Consultation Responses:

Sunderland City Council	No observations to make.
South Tyneside Council	No objection
Northumbrian Water	No objection
Health and Safety Executive	No objection
Northern Gas Networks	No objection
Highways England	No objection
Natural England	No objection
Environment Agency	No objection

3.0 Representations:

- 3.1 Publicity and neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015.
- 3.2 This planning application has therefore been advertised on site and in the press as a being submitted with a Supplementary Environmental Statement and as being a departure (as B2 floor space is proposed and more than 90,000m² of floor space is proposed).
- 3.3 The Council sent neighbour notification letters to 66 properties surrounding the site. Council officers also displayed 9 notices surrounding the site in Gateshead, South Tyneside and Sunderland. In addition a notice also appeared in the Newcastle Journal on 27 June 2018.
- 3.4 No representations have been received.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC1D Protected Species

DC1H Pollution

DC1J Substrata Drainage-Water Quality

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV22 Sites of Archaeological Imp - Potential

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV49 Sites of Nature Conservation Importance

ENV51 Wildlife Corridors

ENV54 Dev on Land Affected by Contamination

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

KEA2 Follingsby South

5.0 Assessment of the Proposal:

This is a Section 73 application for the variation of the approved plans on the previously approved outline planning permission (DC/18/00237/OUT). This application is not for the examination of the whole principle of the development again. Matters for consideration in the determination of this Section 73 application relate to the assessment of the amended parts of the scheme as a result of incorporating the adjacent farm site into the development and moving the green infrastructure zone and built development zones further west.

- 5.1 This application represents an opportunity to deliver significant investment in the area which would provide significant local employment opportunities and expenditure.
- 5.2 The main planning issues to be considered are the impact of the proposed changes relating to landscape and visual impact, heritage issues, transport issues, noise, air quality the potential for land contamination, flood risk / drainage, ecology, socio economic issues and cumulative effects.
- 5.3 PRINCIPLE OF DEVELOPMENT**
The wider site (including the South Follingsby farm site) is allocated for up to 90,000m² of employment land (B8 storage and distribution uses) under policy KEA2 South of Follingsby Lane in the Council's Core Strategy and Urban Core Plan (CSUCP). The three link planning applications DC/18/00573/COU, DC/18/00574/FUL, DC/18/00575/FUL are seeking consent for up to 225,000m² of floor space. The proposed uses would include B8 (storage and distribution) and B2 (general industry) of which not more than (27,000m²) will be for uses within B2. The main use of the site is therefore for warehousing and distribution (use class B8).
- 5.4 Given that this site is allocated for up to 90,000m² of only B8 use - the previous Outline applications and these current linked applications have been advertised by the Council as a departure to the Council's adopted development plan.
- 5.5 The introduction of up to 27,000m² of B2 floor space at the site was considered acceptable by the Council on the earlier outline planning applications DC/17/01117/OUT and DC/18/00237/OUT that were approved. The B2 floor space was considered acceptable to provide flexibility to meet market requirements and in terms of maximising job creation and inward investment. It was also previously accepted that the inclusion of B2 floor space would bring economic benefits and will make the development more attractive to potential occupiers.
- 5.6 This site was allocated for B8 development due to its potential contribution to supporting the distribution and logistics sector. Whilst the inclusion of B2 (general industrial) floor space has the potential in quantitative terms to reduce the amount of floor space given to B8 (storage and distribution) uses, Council officers are of the view that the inclusion of B2 uses would not impair the developments primary function within the distribution and logistics sector.
- 5.7 The overall amount of floor space proposed in the three current linked applications does not exceed that approved in the previous outline application DC/18/00237/OUT. The 225,000m² of floor space exceeds that envisaged (90,000m²) in the adopted development plan. The submitted Planning Statement submitted for the previous outline application DC/18/00237/OUT explains that this additional floor space is required to address the specific requirements of a potential occupier. This additional floor space can also be accommodated within the built development zone on the Parameters Plan through the provision of mezzanine floors within the buildings. The previous Environmental Statement (ES) (March 2018) also considered and

demonstrated that the increase in floor space from 90,000m² to 225,000 m² can be accommodated on the site without significant adverse environmental effects.

- 5.8 Council officers accept that the inclusion of some B2 uses as part of the development which has a floor space of up to 225,000m² is not in accordance with policy KEA2 of the CSUCP and is therefore a departure to the Council's approved development plan. However the introduction of 27,000m² of B2 floor space and the increase of overall floor space to 225,00m² has already been granted planning permission in the previous outline application DC/18/00237/OUT. Council officers are therefore of the view that the proposed changes do not raise any new issues in terms of the type and amount of floorspace proposed. In addition the proposed changes would still enable the aims and objectives of policy KEA2 to be met and exceeded in response to a specific end occupier requirement.

5.9 LANDSCAPE / VISUAL IMPACT

The proposed revisions to the previously approved scheme will result in the demolition of the South Follingsby Farm buildings and the green infrastructure for the wider development being moved to the west within the area of the former farm. The quantum of green infrastructure proposed remains the same as for the previously approved scheme of around 13 hectares.

- 5.10 The demolition of the farm house will result in the nearest residential property adjacent to the site being removed. This is considered to be a beneficial visual impact when compared to the previously approved scheme.

5.11 Existing Hedgerows and Trees

An Arboricultural Pre Development Report has been submitted as part of this application which identifies a number of hedgerows and trees on the South Follingsby Farm site. The majority of the hedgerows and trees on the farm site will be removed to accommodate the development. Replacement and additional landscaping is proposed as part of the development.

- 5.12 It is therefore considered that no additional landscape or visual mitigation is required.

5.13 HERITAGE AND ARCHAEOLOGY

The South Follingsby Farm site is part of the agricultural area of the medieval settlement of Follingsby based around several farms. South Follingsby Farm is still one of these settlements. The current farm building is modern and not of historic interest.

- 5.14 A new geophysical survey have been undertaken in the farm area. No significant archaeological features were identified during the survey. An archaeological evaluation is now required to characterise the nature of any deposits on the site. The geophysical survey has indicated that a larger medieval settlement is not likely to exist on the farm site. The Council's archaeologist has already produced a specification for a small amount of trenching to be carried out on the farm site.

5.15 Planning conditions will be required for the archaeology excavation and recording on the farm site. Apart from these archaeological planning conditions no additional heritage mitigation is considered necessary for the proposed changes.

5.16 TRANSPORT

There is no change proposed to the type of and overall quantum of floor space to be provided at the site. The number of access points off Follingsby Lane to the development would remain at six (including the proposed new access at the South Follingsby Farm site). This is the same number of access points as approved on the last outline application DC/18/00237/OUT.

5.17 The proposed changes would result in the repositioning of the access points and associated bus stops and crossing points along Follingsby Lane. This change would result in more space between these highway features which would be an improvement from a highway safety point of view.

5.18 The predicted traffic flows and vehicle movements including the distribution of the development traffic onto the wider road network also remains the same as the previous approved outline application DC/18/00237/OUT.

5.19 Council officers are of the opinion that no more than 6 accesses are appropriate along the Follingsby Lane southern frontage from a highway safety point of view. Therefore it will be necessary to ensure that the proposed new access at the South Follingsby Farm site does not come into use without the associated changes proposed to the other associated planning applications DC/18/00574/FUL and DC/18/00575/FUL. The applicant has agreed to enter into a legal agreement for these 3 linked applications to ensure that the development takes place in a comprehensive manner across the whole of the wider site.

5.20 Apart from the above legal agreement requirement, no additional transport mitigation is considered necessary for the proposed changes.

5.21 NOISE

The proposed revisions will result in the removal of the nearest residential property to the development at South Follingsby Farm, which is beneficial.

5.22 The vehicle movements associated with the development will remain the same. It is therefore concluded that there will be no new noise impacts as a result of the proposed changes and that there is no requirement for additional mitigation measures.

5.23 AIR QUALITY

The proposed revisions will result in the removal of the nearest residential property to the development at South Follingsby Farm, which is beneficial.

5.24 The vehicle movements associated with the development will remain the same. It is therefore concluded that there will be no new air quality impacts as a result of the proposed changes and that there is no requirement for additional mitigation measures.

5.25 POTENTIAL FOR LAND CONTAMINATION

The proposed changes seek to include the South Follingsby Farm site into the development site. The previously submitted contaminated land information did not include the farm site. The risk of contaminated soils being present are considered to be low, but there still remains an identified potential risk for contamination to exist at the farm site.

- 5.26 To address this issues it is therefore recommend that a number of planning conditions ae required for the farm site application DC/18/00573/COU to ensure that a Phase 2 site investigation and where required remediation and verification are carried out. Subject to these conditions, it is considered the proposed changes to the development are acceptable from a contaminated land point of view.

5.27 FLOOD RISK / DRAINAGE

The proposed changes to the development result in moving the built development and green infrastructure zones further west onto the South Follingsby Farm site. This results in changes to the design and layout of the green infrastructure zone along the western boundary of the site, including the drainage design.

- 5.28 The Sustainable Drainage Strategy on the earlier applications that were approved set out the principles for the drainage design, which remain the same on the three current linked applications. The foul water flows from the development will connect to an existing foul sewer system in the area. It is proposed that surface water flows from the development will discharge into the River Don to the south of the site at a restricted rate as the site is considered to be unsuitable for infiltration. It is therefore considered that the changes to the development will not increase flood risk to the surrounding area as a result of suitable management of surface water discharging from the site.
- 5.29 The proposed changes still include a 10 metre safeguarded zone adjacent to the River Don. It is therefore considered that the proposed changes to the development would not prejudice the potential future restoration of the River.

5.30 ECOLOGY

- 5.31 Natural England has no objections to the proposed plans and have stated that it does not consider there will be any significant adverse impacts on statutory protected sites or landscapes.

5.32 Great Crested Newts

An updated great crested newt survey has been provided. The revised proposals will result in the loss of a great crested newt breeding pond at South Follingsby Farm and associated habitat. It will also provide an opportunity to remove a population of Crassula that is both reducing the conservation value of the pond and providing a source of material for the spread of this invasive species. Mitigation has been provided in the scheme design with the provision

of new wetlands including ones designed specifically for great crested newts. In addition proposals for the trapping and translocation of great crested newts.

- 5.33 The new road alignments will result in increased severance between this great crested newt population and that at Follingsby Park to the north. Mitigation measures are proposed in the detailed road design by incorporating features such as off set gully pots to help reduce mortality. Severance between the great crested newts population will however increase.
- 5.34 The width and area of habitats suitable for great crested newts in the vicinity of the existing breeding pond will reduce, with narrowed connectivity to the wider area of green infrastructure and the River Don corridor.
- 5.35 In the short term the majority of habitats associated with South Follingsby Farm will be lost, to be replaced in the medium term by habitats designed to support great crested newts. The submitted SES states that in the long term the South Follingsby great crested newt population is forecast to be conserved and enhanced, as a much wider mosaic of suitable wetland and habitats is being created. The focus of the population is likely to move south, with a low population maintained in the current location, with reduced gene flow to the Follingsby park population.
- 5.36 Bats
An updated bat survey has been provided. The revised proposals will result in the loss of two bat roosts used by individual common pipstrelle bats. There will also be a net reduction in habitats available for foraging bats, and reduced connectivity between the South Follingsby Farm area and the River Don corridor.
- 5.37 Birds
An updated breeding birds survey has been provided. In the short term the proposed changes are likely to result in the loss of habitat for birds. In the long term there is likely to be a balance between losses to birds of arable farmland, and benefit to birds of wetland, marshy grassland and scrub. Overall it is considered that bird biodiversity will be conserved and enhanced.
- 5.38 Additional Ecology Mitigation Measures
The submitted SES explains that the trapping and translocation approach for the great crested newts will be agreed between the developer and Natural England as part of Natural England's licensing process.
- 5.39 Two new great crested newt breeding ponds will be provided within 100 metres of the pond to be lost. A hibernaculum will be constructed and habitats will be specifically designed to promote newt populations. Newt fencing erected for trapping and translocation, and for the protection of the construction area will be left in place longer term where it is beneficial for encouraging newt movements towards the new wetlands to the south and reducing road mortality. The existing pond will be removed in accordance with an approved method stamen to prevent the spread of Crassula. To mitigate for the loss of two bat roosts, 20 bat boxes are to be erected within the areas of green infrastructure.

5.40 Green infrastructure habitats will retain the same mix as proposed for the approved applications though in different locations along the western boundary. This will provide a habitat for great crested newts, bats and birds, as well as other wildlife.

5.41 SOCIO ECONOMIC ISSUES

The proposed revisions to the development will not give rise to any different effects with regards to socio economic impact. The revised development would therefore still result in significant investment in the area which would provide significant local employment opportunities and expenditure.

5.42 CUMULATIVE EFFECTS

The proposed revisions to the development will not give rise to any different cumulative effects.

5.43 COMMUNITY INFRASTRUCTURE LEVY

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is not CIL chargeable development as it is not for qualifying retail or housing related development. As such no CIL charge is liable.

5.44 CONDITIONS / LEGAL AGREEMENT

The planning conditions and legal agreements on the earlier applications that were approved will be reviewed and where appropriate reattached to these three current linked planning applications.

5.45 The previous outline application that was approved DC/18/00237/OUT was subject to a legal agreement that required the payment of £58,750 for off site ecology compensation at Shibdon Meadow and the payment of £75,000 for the upgrade and modification of the signal equipment at the Lingey Lane / Leam Lane Junction. This mitigation is still considered relevant to for current application DC/18/00574/FUL.

5.46 The new legal agreement for all the current three linked applications will also need to ensure that the proposed development takes place in a comprehensive manner across the whole of the wider site.

6.0 CONCLUSION

6.1 The site is allocated through policy KEA2 of the CSUCP for employment uses and The development of up to 225,000m² of B8 (storage and distribution) and B2 (general industrial) floor space has already been considered to be acceptable through the approval of the previous outline application DC/18/00237/OUT.

6.2 The Environmental Information contained with the Supplementary Environmental Statement (SES) submitted with the three linked applications has been taken into consideration by the Council in coming to its decision.

- 6.3 The submitted SES considers the environmental effects of the proposed amendments to the previously approved outline and reserved matters permissions. The SES considers the potential for different effects to arise as a result of the proposed changes to those identified in the previously submitted ES (March 2018). There are some changes to the conclusions of the previous ES as a result of the proposed amendments to the development.
- 6.4 There are some beneficial effects as a result of the proposed changes. The demolition of South Follingsby Farm will remove the nearest residential property immediately adjacent to the development which has both noise and air quality benefits.
- 6.5 There are some changes to the conclusions of the previous ES as a result of the proposed amendments to the development which are not beneficial, these relate to ecology. The negative impacts should however be balanced against the significant beneficial socio economic benefits of the development in terms of investment in the area and local employment opportunities and expenditure. Overall the effect on the local community is considered to be a positive one.
- 6.6 Some additional mitigation measures are also considered necessary on the three current linked applications, which can be provided through planning conditions and a planning obligation.
- 6.7 Therefore taking into account all the relevant material planning considerations, including the environmental information contained with the Supplementary Environmental Statement and the comments made by consultees, it is considered that the proposal is acceptable and accords with the aims and objectives of both national and local planning policies.
- 6.8 It is therefore recommended that planning permission be granted subject to the planning conditions and planning obligation below.

7.0 Recommendation:

GRANT SUBJECT TO A SECTION 106 AGREEMENT

1) The agreement shall include the following obligations:

a - the payment of £58,750 for off site ecology compensation at Shibdon Meadow and the payment of £75,000 for the upgrade and modification of the signal equipment at the Lingey Lane / Leam Lane Junction.

b - that the proposed development in the three linked applications DC/18/00573/COU, DC/18/00574/FUL and DC/18/00575/FUL takes place in a comprehensive manner across the whole of the wider site.

2) That the Strategic Director of Legal and Corporate Services be authorised to conclude the agreement.

3) That the Strategic Director of Communities and Environment be authorised to add, delete, vary and amend the planning conditions as necessary as set out in the headings below :

List of approved plans

Reserved matters required

Time limit for reserved matters

Implementation of reserved matters

Max height of buildings 28 metres

Phasing plan to be approved

Implement phasing plan

Max floorspace and B2 B8 uses only

Site levels to be approved

Implement site levels

Final details wildlife obs area

Provision wildlife obs area

Landscape / ecology management plan

Implement landscape / ecology plan

Provision of landscaping scheme

Car park plan to be approved

Implement car park plan

Servicing management plan to be approved

Implement service management plan

HGC access points

Public transport scheme to be approved

Implement public transport scheme

Follingsby Lane/ Ave highway works

Implement Follingsby junction works

Operational management plan to be approved

Implement operational management plan

Off site highway work details

Implement off site highway works

Electric vehicle charging to be approved

Implement electric vehicle charging

Construction management plan to be approved

Implement CMP measures

Framework travel plan

Occupier travel plan

Hours of construction

Operational noise levels

Tree protection measures

Implement tree protection measures

Previously unidentified contamination

No buildings in flood zones 2 and 3

River Don protection zone details

Implement River Don protection scheme

River restoration scheme to be approved

Implement river restoration scheme

Drainage details to be approved

Implement drainage details

Drainage construction method statement

Implement drainage construction method statement

Drainage management plan to be approved

Implement drainage management plan

Ecology method statement to be approved

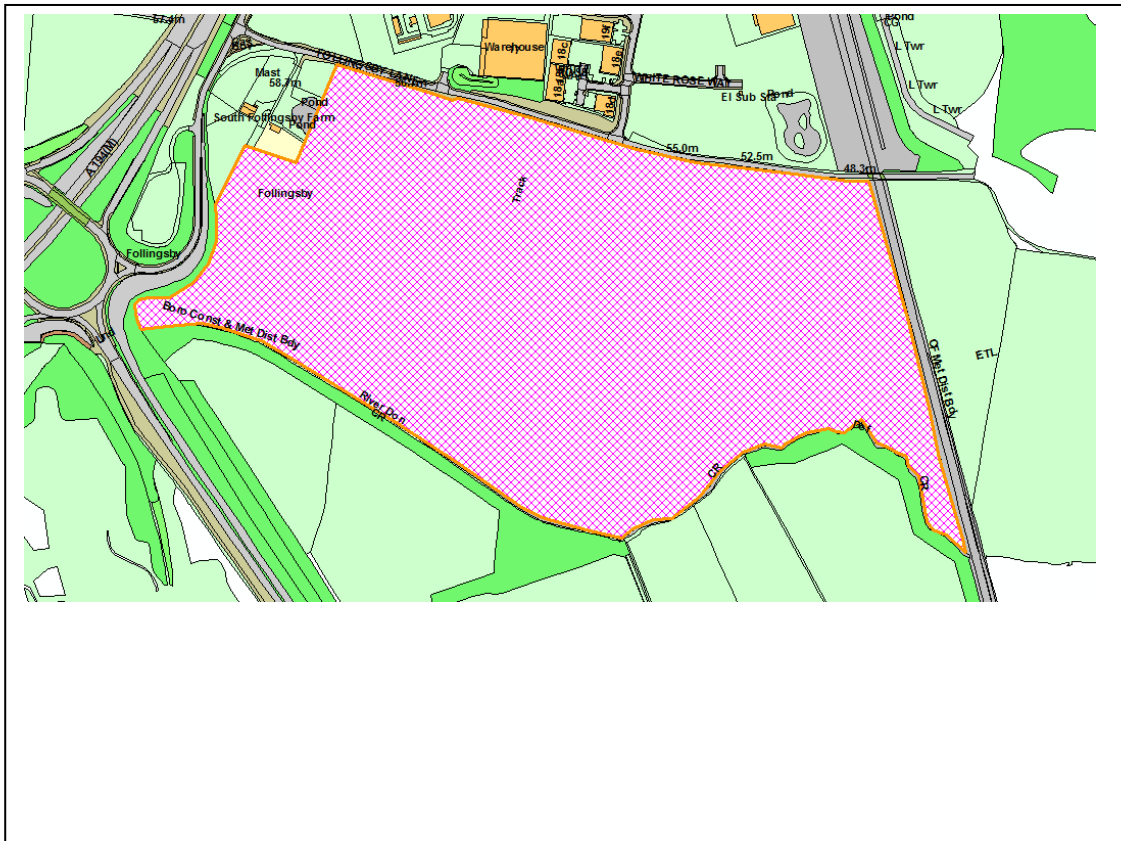
Implement ecology method statement

Ecology enhancement plan to be approved

Implement ecology enhancement plan

External lighting to be approved

Implement external lighting



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