

TITLE OF REPORT: **Gateshead Local Plan – Making Spaces for Growing Places (MSGP) (Site Allocations and Development Management Policies) – Submission**

REPORT OF: **Tony Alder, Acting Strategic Director, Communities and Environment**

Purpose of the Report

1. To request Cabinet to note the content of the Making Spaces for Growing Places (MSGP) Local Plan submission document and recommends that Full Council agrees for it to be submitted to the Planning Inspectorate for an independent examination.

Background

2. The Council has a statutory duty to prepare a Local Plan. In March 2015 Gateshead Council adopted Planning for the Future Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030 (CSUCP), a Local Plan document which was prepared jointly with Newcastle City Council. The CSUCP forms Parts 1 and 2 of Gateshead's Local Plan, setting out borough-wide strategic policies (including the allocation of housing and employment growth sites), while providing a detailed policy framework supporting the development of Gateshead's Urban Core.
3. Progression of MSGP, which will form Part 3 of Gateshead's Local Plan, will ensure that Gateshead has the land use policies to meet our communities' needs, and deliver the Council's strategic ambitions. MSGP includes non-strategic detailed site allocations and designations together with Development Management policies.
4. MSGP will help to create and sustain thriving communities and a more prosperous economy. Development, including provision for new homes, jobs growth and a portfolio of employment land, will be focused in sustainable locations predominantly in the built-up area. MSGP, once adopted, will complement the CSUCP by bringing forward and updating designations and allocations of land currently set out in saved Unitary Development Plan policies. Specifically, MSGP will:
 - Allocate a range of sites for housing development, further to provision within the CSUCP, to meet Gateshead's identified housing needs, including accommodation needs for Gateshead's elderly and disabled residents
 - Encourage jobs and investment through the designation of employment areas and the allocation of a range of employment sites
 - Designate the boundaries of district and local centres in Gateshead's retail hierarchy, and set a local threshold for retail impact assessments
 - Set out policies on the design and accessibility of development

- Designate Gateshead's natural and built environment assets, including, for example: Conservation Areas; Areas of Special Character; Local Wildlife Sites; and Wildlife Corridors
 - Designate settlement envelopes within the Green Belt.
 - Promote access to a healthier environment through, for example: the designation of green infrastructure and the setting of standards for open space and play facility provision; and through policies on climate change, flood risk and air quality
 - Make provision for the management of natural resources, including: minerals; the restoration of former quarry sites; and sustainable waste management
5. MSGP does not propose to include detailed policies for sites in the Urban Core (these are provided within CSUCP) or at Metrogreen (it is intended that a forthcoming Metrogreen Area Action Plan will establish a detailed policy framework for development of Metrogreen). However, some MSGP designations will apply to these areas, including some natural environment and heritage designations, and safeguarded land for transport schemes.
 6. The CSUCP allocated housing and employment growth sites (village and neighbourhood growth sites, and key employment areas, respectively), and designated a revised Green Belt boundary to reflect the extent of these allocations. In doing so, the CSUCP made other minor adjustments to the Green Belt boundary as identified through the Strategic Land Review.
 7. Further minor revisions to the Green Belt are proposed by MSGP. This follows from the recommendation of the Inspector who conducted the Examination into the CSUCP that the development potential of sites that are smaller than those considered through the CSUCP and not strategic in terms either of their effect on the Green Belt or the resulting scale of development in the relevant rural settlement, should be considered within MSGP. A call for sites was undertaken in 2015 which allowed for such sites to be submitted. Of those brownfield Green Belt sites found suitable for housing and proposed for allocation, in only two cases, at Greenside, did this require a change to the Green Belt boundary.

Preparing the Plan

8. Preparation of the Plan began in 2012 when Cabinet approved for consultation the Scoping Report on MSGP. The initial intention was to progress MSGP alongside preparation of the CSUCP. However, resources were ultimately focused on getting the CSUCP progressed and adopted, at a time of significant change in national policy and legislation.
9. A Draft Plan was prepared and published for six weeks consultation from October to December 2017, followed by the publication for consultation of a Submission Draft version of the plan for six weeks from October to December 2018. Cabinet approval was received before each period of consultation.
10. The Council implemented a number of measures in consulting on the Plan including:

- Direct mail to consultees
 - Consultation with Councillors
 - Use of the consultation Portal
 - Use of the Council website
 - An article in Council News
 - Council Info
 - Leaflets
 - Drop in events at Birtley, Blaydon, Felling, Gateshead Civic Centre and Gateshead Leisure Centre
11. In addition to the more traditional methods of consultation the need to take advantage and maximise the engagement opportunities through the use of social media was also recognised. Virtual drop in events were undertaken on Twitter, with assistance from with Newcastle University, whilst the Council's social media accounts were also used to raise awareness of consultation on the plan and to publicise drop-in events.
12. The latest stage of consultation (Regulation 19 publication of a submission draft plan) yielded 186 individual representations from 43 respondent organisations and individuals, and a summary of each is set out in the feedback report attached (see link in Appendix 2). The main issues raised arising from the representations received include:
- Concern regarding the impact on development and viability of housing standards policies
 - Concern over the adequacy of housing allocations
 - Concern regarding the impact of policies requiring new open space on the viability of development
 - Concern that density requirements would have an adverse impact on providing green space and SuDS and the internal space standards
 - Objection to the inclusion of living roofs and walls within the criteria that will be used to assess design quality
 - Objection to the lack of positive provision for minerals in the plan
 - Objection relating to lack of flexibility in policy wording relating to flood risk, water quality and SuDS SPD
 - Concern over a number of environmental issues including noise and air quality
13. Whilst the Submission Plan is unchanged from the version published Oct-Dec 2018 and is considered to be a sound and justified plan, the Council has prepared a schedule of what are considered to be minor modifications to the plan (see Appendix 3) to correct any grammatical and typographical errors, and to provide additional clarity and guidance on issues raised from the consultation.
14. A revised version of the National Planning Policy Framework (NPPF) was published in July 2018 and officers have taken into account the changes to national

policy in preparing the Plan. The NPPF states that each Local Planning Authority must ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area (para 31). It includes a strong emphasis on housing delivery, a new definition for affordable housing, a requirement for viability testing at plan making stage and to undertake a review of Local Plan policies at least once every 5 years. The CSUCP was adopted in March 2015 and a review will be carried out by March 2020.

15. The Council has worked to ensure that proposals and policies in the submission plan are informed by a proportionate and up-to-date evidence base, addressing the issues and needs relating to housing, employment, infrastructure, minerals, the natural and historic environment, health and well-being, and viability and deliverability. The Strategic Housing Land Availability Assessment (SHLAA) and Employment Land Review (ELR) provide key elements of the evidence base supporting MSGP: these documents identify suitable sites in Gateshead that are recommended for allocation for housing and employment development. It is important that these evidence base documents are based upon sound and up-to date evidence. Accordingly, updated versions of both the SHLAA and ELR, which reflect a call for sites issued during the previous stage of consultation, have been prepared and published in support of the Plan, along with an updated viability and deliverability report.
16. MSGP provides non-strategic policies that will support and implement the strategic vision and policies set out in the CSUCP. However, in preparing the Plan the Council has continued to work closely with colleagues at Newcastle City Council (who are at a similar stage in preparing their equivalent local plan document) in order to ensure alignment and conformity with policies in the CSUCP, and in updating joint evidence and in addressing common issues. Collaborative working has also provided opportunities to share resources. We have also held a number of meetings with other neighbouring authorities and statutory agencies, as part of the Duty to Cooperate, to ensure cross-boundary and other issues arising from the Plan are adequately addressed. MSGP's submission documents include a Duty to Cooperate Statement, which provides detail on relevant cross-boundary issues between Gateshead and its neighbouring local authority areas, and joint-working activity carried out under the duty to cooperate (see Appendix 6).
17. A policies map has been prepared to set out the plan's proposed designations and site allocations. An interactive version of the map will also be available through the Council's website.
18. Once adopted MSGP will form part 3 of the Council's development plan and guide decisions about development proposals. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

Existing UDP Policies

19. MSGP policies, once adopted, will supersede the remaining saved policies originally published as part of the Unitary Development Plan (UDP) in 2007. A schedule of superseded UDP policies is appended to MSGP (at appendix 18).

Proposal

20. It is proposed that Cabinet notes the content of the MSGP Local Plan submission document and recommends that Full Council agrees for it to be submitted to the Planning Inspectorate for an independent examination.

Recommendations

21. It is recommended that Cabinet recommends that Full Council:
- i. Notes the Consultation Statement March 2019 as set out in Appendix 2;
 - ii. Notes the amendments proposed to the submission draft plan as set out in the "Schedule of Proposed Minor Modifications" (see Appendix 3);
 - iii. Authorises formal submission of the Making Spaces for Growing Places (MSGP) Local Plan document, as set out in Appendix 4, and associated submission documentation to the Secretary of State pursuant to Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012;
 - iv. Grant authority to the Inspector appointed to hold the public examination to make modifications to the MSGP Submission Document under Section 20 (7C) of the Planning and Compulsory Purchase Act 2004 as amended.
 - v. Delegates authority to the Acting Strategic Director, Communities and Environment and Strategic Director, Corporate Services and Governance following consultation with the relevant Cabinet Member to:
 - a. make any changes to MSGP and supporting documentation for consideration at public examination;
 - b. prepare and give evidence in support of the examination of MSGP; and
 - c. go out to consultation on any modifications to MSGP recommended by the Planning Inspector at the examination.

For the following reasons:

To progress the development of the Gateshead Local Plan as required by government policy and statutory obligations under Planning and Compulsory Purchase Act 2004, Localism Act 2011 and Town and Country Planning (Local Plans) Regulations 2012 (as amended).

Policy Context

1. Work on producing a Local Plan for Gateshead that is in accordance with the NPPF is ongoing, the current focus being on the preparation of the MSGP Local Plan document, following on from the adoption of the CSUCP in 2015.
2. As part of the Local Plan, MSGP will contribute to and help deliver both Vision 2030 and the Council's pledge of making Gateshead a place where everyone thrives. MSGP will allow us to plan for economic and population growth, and to support health and wellbeing, through provision for employment, housing (particularly family homes), and all related facilities in ways that will ensure a sustainable and positive future for Gateshead. This means directing development to accessible, sustainable locations (on previously developed land or along transport routes) benefiting and sustaining our villages and neighbourhoods, the wider economy and the environment. Gateshead Council's ambition is for a range of housing types in different locations to meet housing need and ensure that there is a competitive housing market in Gateshead.

Background

3. MSGP has been prepared in the context of the adopted CSUCP, which sets out the broad approach to development within Gateshead and Newcastle to 2030, and was referred to in the Inspector's Report as an inherently sustainable strategy. The CSUCP was prepared in the context of a shared vision set out in a Bridging Document - Developing Sustainable Cities – which confirms that:

By 2030 Gateshead and Newcastle will be prosperous and sustainable cities that are unique and distinctive places - where people choose to live, work and visit because everyone can realise their full potential and enjoy a high-quality lifestyle.

4. As an overarching spatial plan, the CSUCP adopts a presumption in favour of sustainable development. The plan sets out a spatial strategy for sustainable growth which expects all new development to be:
 - fully inclusive, irrespective of cultural background, ethnicity and age, to meet the diverse needs of all residents and communities;
 - well-connected and accessible by sustainable modes of transport;
 - well designed to promote community cohesion, and wellbeing, and to reflect and enhance the area's character and natural environment; and
 - designed to reduce carbon emissions and adapted to the effects of climate change
5. The CSUCP will ensure that the role of Gateshead Centre, as part of the Urban Core, is strengthened, and that development needs are accommodated in the most appropriate locations.
6. MSGP, once adopted, will complement the CSUCP by bringing forward and updating designations and allocations of land currently set out in saved Unitary Development Plan policies. MSGP will provide the detail against which planning applications for development can be considered and determined, ensuring that the impact of

proposals on flood risk, health and the natural and historic environment, for example, are fully taken into account. The Plan is supported by a robust evidence base including an assessment of viability and of the infrastructure needed to support proposals in the Plan.

Soundness of the Plan

7. The focus of the recent six-week statutory consultation was on the plan's soundness and legal compliance with statutory procedures. It was also an opportunity for modifications to be suggested for consideration by the Inspector rather than the Council. The tests of soundness are whether the Plan is positively prepared, justified, effective and consistent with national policy.
8. Considering carefully the representations received, and following legal advice, it is considered that the Plan is sound and that the Plan has been prepared in accordance with the duty to co-operate, legal and procedural requirements. It is considered that no significant changes to the Plan are necessary prior to its submission and approval to submit the Plan to the Secretary of State for Ministry of Housing, Communities and Local Government for independent examination is proposed.
9. Minor changes to the Plan can be made without further consultation but changes that may affect the interests of third parties or aggrieve other objectors will require further consultation. The changes identified in the "Schedule of minor changes" document are minor modifications that will not alter the meaning of the Plan. Notwithstanding this position and in the interest of good practice it is proposed that officers continue to discuss issues raised through the consultation period with stakeholders in the run up to the examination to further minimise their areas of concern. It is proposed that authority is delegated to the Acting Strategic Director, Communities and Environment and Strategic Director, Corporate Services and Governance, following consultation with the relevant Cabinet Member to continue these discussions, to prepare and present evidence and suggest to the Inspector any edits and consequential changes necessary to the Plan.

Planning Inspector to make modifications

10. The Inspector, in examining the Plan and considering representation made, may conclude that "modifications" are required to make it sound and capable of adoption. Any "main modifications" made in relation to soundness will need to be the subject of further consultation. It is accordingly proposed that Council agrees to give the Inspector authority under section 20(7C) of the Planning and Compulsory Purchase Act 2004 to make modifications to the Plan, to ensure that modification, if required, can be made to make it sound.

Next Steps

11. Subject to Cabinet agreement and full Council approval the Plan will be submitted to the Secretary of State for Ministry of Housing, Communities and Local Government in April 2019 for independent examination. A pre-hearing meeting is possible whilst the examination hearing is likely to take place in summer 2019. After examination, subject to the Inspector finding the plan "sound", and following consultation on any modifications, the Council will be asked to adopt the Plan. This should take place by the end of 2019 or early 2020. However, the timescale for adoption of the Plan is

dependent on the issues and matters to be identified by the Inspector following submission and any modifications proposed. It may also be noted that following submission, the timescale for the plan's examination is largely determined by the appointed inspector.

12. As the Plan progresses towards adoption, greater weight can be attached to the emerging policies for development management purposes. In accordance with the Planning and Compulsory Purchase Act 2004 (as amended), once adopted, the Plan will form part of the statutory Gateshead Local Plan for the area and will be a material consideration when determining planning applications.

13. Gateshead's Local Plan will ultimately consist of four Parts:

- Part 1 Strategic Policies (CSUCP Plan)
- Part 2 Urban Core Policies (CSUCP Plan)
- Part 3 Development Management Policies, Designations and allocations (MSGP)
- Part 4 Metrogreen Policies (Metrogreen AAP currently being progressed)

Alternative Options

14. There are no realistic alternatives other than to proceed with submission and examination of MSGP. Submission of the Plan is the next step following two formal stages of consultation and will ensure the Council has an up to date Plan guiding development to sustainable locations. The consequence of relying on out of date policies is that they may only be accorded limited weight. Given the age of the saved UDP policies this would increase the likelihood of new developments being assessed and decided in an unplanned way and reduce the ability of Gateshead to resist inappropriate development.

Implications of Recommended Option

15. **Resources:**

- a) **Financial Implications** – The Strategic Director, Corporate Resources confirms that the costs associated with submission and examination of MSGP will be met from existing resources.
- b) **Human Resources Implications** – There are no human resource implications arising from this report.
- c) **Property Implications** - There are no direct property implications arising from this report.

16. **Risk Management Implication** – Progressing and ultimately adopting MSGP will ensure Gateshead's Local Plan has full weight when it comes to planning decisions and will help to ensure the delivery of sustainable development in Gateshead, supporting economic and housing growth and providing greater certainty to local communities and the development industry on where and how development should take place. A consequence of not progressing the submission of MSGP would be a reliance on out-of-date policies that may only be accorded limited weight. This would increase the likelihood of new developments being assessed and decided in an unplanned way and reduce the ability of Gateshead to resist inappropriate development.

17. **Equality and Diversity Implications** – The Sustainability Appraisal for MSGP incorporates an Equality Impact Assessment which has determined that the Plan meets the Council's Equality Duty.
18. **Crime and Disorder Implications** – There are no crime and disorder implications arising from this report.
19. **Health Implications** - The Sustainability Appraisal for MSGP incorporates a Health Impact Assessment and the Plan contains proposals designed to improve health and wellbeing.
20. **Sustainability Implications** - The Sustainability Appraisal for MSGP assesses the sustainability implications of the Plan.
21. **Human Rights Implications** - There are no human rights implications arising from this report. As part of the Local Plan process the Council has a Statement of Community Involvement in place which will be complied with in consulting and engaging with the local community.
22. **Area and Ward Implications - All**

Appendices

Copies of the Appendices will be available in the Members' room and will be accessible on-line.

2. [Consultation Statement March 2019](#)
3. [Schedule of Proposed Minor Modifications March 2019](#)
4. [Submission Draft MSGP Local Plan document](#)
5. [Submission Draft MSGP Policies Map](#)
6. [Draft Duty to Cooperate Statement March 2019](#)

Background Documents

[Evidence Documents](#)