

**TITLE OF REPORT:**           **Gateshead Local Plan – Exemplar Neighbourhood Masterplan and Supplementary Planning Document**

**REPORT OF:**               **Peter Udall, Strategic Director, Economy, Innovation and Growth**

### **Purpose of the Report**

1. To approve the Exemplar Neighbourhood Masterplan and Supplementary Planning Document (SPD) for adoption following public consultation, and to approve publication of a Consultation Report summarising the approach to consultation and responses received to the SPD.

### **Background**

2. Government guidance on plan making states that an SPD should build upon and provide more detailed advice on policies in an adopted Local Plan; an SPD cannot introduce new planning policies. SPD, however, are a material consideration in decision making. They should not add unnecessary burdens on development.
3. The Exemplar Neighbourhood Supplementary Planning Document (SPD) was first adopted in 2013. Given the passage of time since approval of the SPD, the subsequent adoption of the Core Strategy and Urban Core Plan (CSUCP) and the development that has taken place on the site it is considered necessary for the SPD to be updated.
4. The Exemplar Neighbourhood area is allocated for redevelopment under Policy CS2 (8) of the CSUCP. The policy required that the site is brought forward in accordance with an approved masterplan to demonstrate a comprehensive and coordinated approach to development and infrastructure provision.
5. A Masterplan and SPD has been prepared and has undergone two six week consultations, from 31 January to 13 March, and 18 July to 28 August 2022. Consultation was carried out in accordance with the Town and Country Planning Regulations 2012 and the Council's Statement of Community Involvement. 23 responses were received in response to each consultation.
6. Most notably of these responses, representations were received on behalf of Anglo Investments, a business on High Street South, stating that it would not

be lawful for the Council to adopt the SPD in its current form. The Council has sought Leading Counsel's advice on this matter, and in addition to the planning response set out in the accompanying consultation report, these respondents have also received a written response from the Council, which is included in Appendix 3.

### **Proposal**

7. Adopt the Exemplar Neighbourhood Masterplan and Supplementary Planning Document.
8. Publish a Consultation Report for the SPD, setting out the approach to consultation, comments submitted, and the Council's response.

### **Recommendation**

9. Cabinet is asked:
  - (i) To recommend the Council to approve and adopt the Exemplar Neighbourhood Masterplan and Supplementary Planning Document and for adoption at Full Council;
  - (ii) To approve the publication of a Consultation Report for the SPD.

For the following reasons:

- (i) To enable the Council to effectively deliver the Local Plan.
- (ii) To ensure full public engagement on the Placemaking Supplementary Planning Document in line with Gateshead's Statement of Community Involvement (SCI).

### Policy context

1. The Core Strategy and Urban Core Plan for Gateshead and Newcastle (CSUCP) was adopted on the 25th March 2015 and forms part of the Gateshead Local Plan. Making Spaces for Growing Places (MSGP), part 3 of the Local Plan was adopted 1st February 2021. This SPD is supplementary to the CSUCP and MSGP.
2. The SPD does not set policy but provides a framework for implementation of various policies, most notably CSUCP Policies SG2: The Exemplar Neighbourhood Key Site; CS2 Spatial Strategy for the Urban Core; UC4 Homes; UC5 Primary and Secondary Pedestrian Routes; UC15 Urban Green Infrastructure; and SG1 Southern Gateway Sub-Area.
3. The SPD has been prepared in accordance with the Planning and Compulsory Purchase Act 2004 and the Town & Country Planning (Local Planning) (England) Regulations 2012 and is a material consideration in the determination of planning applications.

### Background

4. The Exemplar Neighbourhood Supplementary Planning Document (SPD) was first adopted in 2013. Given the passage of time since approval of the SPD, the subsequent adoption of the Core Strategy and Urban Core Plan (CSUCP) and the development that has taken place on the site it is considered necessary for the SPD to be updated.
5. The Exemplar Neighbourhood area is allocated for redevelopment under Policy CS2 (8) of the CSUCP. The policy required that the site is brought forward in accordance with an approved masterplan to demonstrate a comprehensive and coordinated approach to development and infrastructure provision.
6. Ian Darby Partnership (IDP) have prepared the Masterplan and SPD, having been appointed in 2020 following a competitive tender process.

### Consultation

7. The SPD has been prepared in collaboration with a range of services across the Council, including: Major Projects, Legal Services, Design Services, and Transport.
8. Following approval from Environment and Transport Portfolio in January 2021 IDP conducted their own informal consultation exercise. This exercise informed the current draft of the SPD and masterplan.

9. IDP undertook a series of engagement sessions during the first week of March 2021 with the following groups
  - Ward Councillors and relevant Portfolio Holders
  - Gateway Studios
  - Gateshead Youth Parliament
  - Gateshead Council Officers
10. These sessions were conducted via Teams and Zoom owing to the Covid-19 pandemic. They consisted of a presentation from IDP, including details on proposals followed by discussion and questions.
11. These sessions were successful and the majority of comments were supportive of the proposals. A strong theme that emerged was the ability to make walkable neighbourhoods.
12. A draft of the annotated masterplan image was made publicly available via the PlaceChangers website to allow direct comment on proposals from members of the public. This was available between 1st and 31st March 2021 and was advertised on the High Street South webpage and the Exemplar Neighbourhood webpage on the Council's website.
13. Contact was also made (via Mailchimp) with members of the public who have previously indicated their desire to be informed of High Street South activity, to alert them to the informal consultation and ability to comment. This gained 58 responses and over 1800 views. Comments varied but as with the engagement sessions, walkable routes and green space came across as a strong desire. Opinions on density varied from desiring a higher number of detached properties to a desire that the urban setting should have a higher density than proposed. Overall the opinions expressed were supportive of the proposals.
14. An initial draft Masterplan and SPD was then prepared by IDP, and approved for consultation by Environment and Transport Portfolio in October 2021. This consultation was carried out over the six weeks from 31 January to 13 March 2022, in accordance with the Town and Country Planning Regulations 2012 and the Council's Statement of Community Involvement. Statutory consultees and all those on the Local Plan consultation database were contacted by email or letter and invited to comment, as were interested parties within the Exemplar Neighbourhood area who had requested to be contacted regarding the progress of the document. The documents were made available on the Council website, and hard copies were available to view by appointment at the Civic Centre. The consultation was also publicised on the Council's social media. 23 responses were submitted on this initial consultation, with representations received including issues such as heritage or biodiversity, viability of development, and concern about regeneration of High Street South. This consultation resulted in amendments to the document to clarify the approach to potential on-site viability issue, and to include reference to Secured by Design guidance and its principles.

15. The amended Masterplan and SPD, and accompanying consultation report summarising the first consultation, was then approved for a second consultation in June 2022. This was carried out from 18 July – 28 August, with the same consultation process followed as for the initial January-March consultation. 23 representations were received, with many consultees confirming that they had no further comments to make, and others querying issues such as parking or pedestrian access.
16. Multiple comments were received on behalf of a business on High Street South trading as Anglo Investments, stating that it would not be lawful for the Council to adopt the SPD in its current form. Those representations have been carefully considered and advice has been taken from Leading Counsel. Accordingly the respondents have been sent a letter setting out the Council's position, which is included in Appendix 3. The comments received in respect of the SPD follow on from previous correspondence raising related issues in the context of possible compulsory purchase, to which the Council responded in detail.
17. The Council will retain Counsel on this issue.
18. A Consultation Report has been prepared summarising and responding to each comment, which will be published alongside the adopted SPD.
19. In preparing this report, consultation has taken place with the Leader, Deputy Leader and Environment and Transport Portfolio.

### **Alternative options**

20. There are no alternative options.

### **Implications of Recommendation**

21. **Resources:**
  - a. **Financial Implications** – The Strategic Director, Resources and Digital confirms there are no financial implications arising from this report.
  - b. **Human Resources Implications** – There are no human resource implications arising from this report.
  - c. **Property Implications** - The SDP provides an important planning framework which in part includes existing Council properties. However, any direct effect on Council properties will be covered in further reports.
22. **Risk Management Implication** – There is a risk that without a robust Masterplan and SPD that meets legal requirements, the Exemplar Neighbourhood cannot be developed in accordance with the Local Plan. Given the representations received in respect of the lawfulness of adoption,

the potential for judicial review of such decision should be noted. However, the Council has sought Leading Counsel's advice on this matter which supports the bringing of this report and its recommendations. Counsel will be retained by the Council on an ongoing basis..

23. **Equality and Diversity Implications** – The SPD supports the Local Plan which includes an Equalities Impact Assessment.
24. **Crime and Disorder Implications** – The Exemplar Neighbourhood Masterplan and SPD includes provision for the development to minimise risk of crime through measures such as overlooking and use of lighting.
25. **Health Implications** – The SPD supports the Local Plan which includes a Health Impact Assessment.
26. **Climate Emergency and Sustainability Implications** – The SPD supports the Local Plan which includes a detailed Sustainability Appraisal.
27. **Human Rights Implications** - None.
28. **Ward Implications** – All.