

WHITBURN NEIGHBOURHOOD DEVELOPMENT PLAN Submission Draft Version

**Neighbourhood Plan Examiner's Questions
by Independent Examiner, Rosemary Kidd**

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Whitburn Neighbourhood Development Plan Examiner's Questions

May I thank the Neighbourhood Forum for their very helpful comments in response to the representations, their extensive library of background evidence and the information they have provided.

Following my initial assessment of the Neighbourhood Plan and representations, I would appreciate clarification and comment on the following matters from the Qualifying Body and/or the Local Planning Authority as appropriate. In order to ensure openness and transparency of the examination process, these questions and the responses should be published on the Council's website.

In addition to questions, I am including proposed modifications to the wording of policies and the justifications where I consider it necessary, in order to give the QB and/ or LPA the opportunity to respond, if they wish, in advance of receiving my examination report. A full explanation will be included in my examination report of the reasons for proposing the modifications.

1. Would STC provide me with an update on progress with the emerging Local Plan. If it has been withdrawn I shall recommend that all references to its policies in the WNP should be deleted.
2. Would STC provide me with a list of the strategic policies and state whether they accord with current national planning policy.
3. I am concerned about the legibility of the Policies Map and will propose that Inset Maps should be provided to show the boundaries of properties and areas under various policies. The boundaries of all sites and areas referred to in the policies should be shown on maps at a scale that applicants and decision makers can determine whether their site is covered by that policy.
4. A number of the policies are worded as requirements. Except where the policy delivers a requirement in national planning policy, a degree of flexibility should be introduced to the policy to ensure that it is realistic and deliverable.
5. Some policies refer to planning permission being permitted or there is a presumption in favour of a particular development. NPPF para 2 states that planning permission should be determined in accordance with the development plan unless other material considerations indicate otherwise. Neighbourhood plan policies cannot pre-determine planning applications. I shall propose revisions to such policies usually in the form of "XXX will be supported"
6. Major housing development – paragraph 5.16 states that this is 10 homes or more. It would be helpful to include the definition in the Glossary. Would the QB and LPA confirm that it should be the same as that in the Development Management Procedure Order: "***the provision of 10 or more dwellinghouses or the development is to be carried out on a site having an area of 0.5 hectares or more where the number of dwellings is unknown***".
7. Would STC explain the basis for the figure of 397 dwellings to be delivered over the plan period as set out in paragraphs 5.6 and 5.8 of the WNP. Was this the figure from

the withdrawn Local Plan? Should reference to it be deleted from this section? If so, would the QB and STC agree revisions to paras 5.4 to 5.9. Would STC and the QB confirm that an indicative housing figure for the WNP has not been sought.

Policy WNP1 Housing

8. I am proposing that the first paragraph of the policy refer to **“the latest Housing Needs Assessment”**.
9. Has evidence been prepared to demonstrate that the affordable housing figure of 20% is deliverable and would not impact on viability? What is the current figure used by STC in the plan area?
10. Does STC rely on the 2007 SPD on affordable housing or is there an updated guidance / procedure? I am concerned that Policy WNP1 provides no guidance on the type of affordable homes to be provided. I am proposing to revise the second para to **“...20% of dwellings should be affordable of a type of tenure to be agreed with STC in accordance with the latest evidence of affordable housing need and viability.”**
11. Has the QB undertaken any assessment of the capacity of brownfield sites for housing development?
12. I am proposing that the fourth paragraph should be deleted as it is contrary to The Written Ministerial Statement of March 2015 which states that *“qualifying bodies preparing neighbourhood plans should not set in their... neighbourhood plans... any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings.”*

Policy WNP2 Whitburn Design Guidelines

13. I am concerned that there may be other views of significant landmarks and the coast around the plan area which have not been captured through this policy. I am proposing to delete the key views from the Policies Map and to have all relevant proposals assessed through a Landscape and Visual Impact Assessment. Point d) to read: **“has considered the impact of the proposal on the rural character and views through a Landscape and Visual Impact Assessment; and”**. Would the QB confirm this is acceptable.
14. As a consequence, I am proposing to revise paragraph 5.21 to read: ***The Whitburn Design Guidelines identifies the importance of maintaining the rural character of views and gaps. It states in section 3.1.1 that “This may include, but is not limited to, retaining glimpsed outward views, protecting ‘slot’ views to key landmarks, or preventing complete enclosure of outward views from within new development;” and “Protect local topography and landscape features, including prominent ridge lines and long distance views;”. Landscape and Visual Impact Assessment (LVIA) can be key to effective planning decisions since it helps identify the effects of new developments on views and on the landscape itself.***
Would the QB confirm this is acceptable.

15. Point f) requires some flexibility to be included in the wording as it will not be possible to apply it to all schemes. I am proposing to revise point f) to read: **“where appropriate and feasible, incorporates landscaping and open space, including the retention of healthy trees and hedgerows.....scheme; and”** Would the QB confirm this is acceptable.
16. It is considered that this helps to deliver NPPF paragraph 152. However, it is difficult to measure the reduction in the carbon footprint of a development and planning policies cannot stipulate that developers should exceed standards set out in the Building Regulations. I am proposing to revise point g) to read: **“incorporates opportunities for sustainable design to support the transition to a low carbon future adaptive to climate change in accordance with Policy WNP3.”** Would the QB confirm this is acceptable.

Policy WNP3 Sustainable Design and Construction

I have concerns about a number of aspects of the wording of this policy.

17. The opening para should be revised to introduce a degree of flexibility to be applied to all points. I am proposing to revise the first paragraph of the policy to read: **“.....existing development should seek to include sustainable design principles and seek to reduce carbon emissions and other pollutants. Support will be given to proposals that incorporate the following elements, where feasible:”**
18. I am proposing to revise a) to read: **“.....solar gain whilst including suitable features for shading and cooling.”**
19. Planning policy cannot seek standards higher than the Building Regs (WMS March 2015) so I shall be proposing that point b) is deleted.
20. To improve the clarity of point e) I am proposing to revise it to read: **“within major housing developments, the creation....”**
21. **“where feasible” to be deleted from point f).**
22. As a consequence I am proposing to revise paragraph 5.22 to read: **“This policy seeks to encourage sustainable design measures in development proposals in order to mitigate the effects of climate change.”** And to delete paragraph 5.23.

Would the QB confirm these proposed revisions are acceptable

Policy WNP4 Whitburn Conservation Area

I am proposing some minor revision to this policy so that it reflects national policy and guidance. Would the QB confirm these proposed revisions are acceptable

23. Revise the first line of the policy to read: **“....which conserves or enhances....”**
24. Delete the first two sentences of the final paragraph of the policy concerning trees as this is addressed in other legislation.
25. The final sentence of the policy concerning boundary walls is descriptive and not policy and should be moved to paragraph 5.26.

26. As ownership affords no protection under planning law, the following text should be deleted from paragraph 5.25: **“These are effectively protected through National Trust ownership.”**
27. The following text in paragraph 5.26 to be deleted as it does not accord with Policy WNP5 which states that non designated historic buildings have been reviewed as part of the plan making. **“but the Neighbourhood Plan could identify other locally important historic buildings which may be outside the Conservation Area and therefore not already covered.”**
28. Paragraph 5.27 does not explain the purpose of the Article 4 directions and reference to them should be deleted from the justification to the policy. An explanation could be included in the Appendix.

Policy WNP5 Non-Designated Heritage Assets in Whitburn Neighbourhood Area

29. Policy WNP5 adds no locally specific details to those included in policies in the SPD21. Nor does it add any policies to those set out in national planning policy. I am therefore recommending that Policy WNP5 should be deleted.
30. The only addition proposed to be added to STC’s Local List is property 31 The Old Mine Gate Posts and Plaques. If so, would the QB provide me with a copy of the assessment report and the evidence and criteria used to select property 31. Has consultation with the property owners been carried out? Would STC confirm their procedures for identifying and adding properties to their Local List.
31. I am proposing that the justification may be retained and revised as follows:
paragraph 5.29: retain first two sentences **“There are a number ...is required.”** Add **“Proposals affecting listed buildings will be considered against national planning policy and the policies in the LDF / Local Plan”**. Delete the third sentence.
32. Replace paragraphs 5.30 and 5.31 with: **“Non-designated heritage assets are buildings or places which are not currently designated for their historic interest, but nevertheless have an important role to play in local heritage. STC has adopted SPD 21 on Locally Significant Heritage Assets which includes 30 properties in Whitburn. These assets are described in the SPD Technical Appendices and listed in Appendix A of the WNP. A survey has identified one further property which it is proposed should be considered for inclusion by STC as the Local List. This is the Old Mine Gate Posts and Plaques.”**
33. Add a new paragraph: **“Proposals affecting a non-designated heritage asset will be considered against national planning policy and the policies in the LDF / Local Plan and SPD21.”**

Policy WNP6 Biodiversity and Geodiversity

34. Biodiversity Net Gains – has STC prepared any guidance on how this is to be delivered locally? The justification to Policy WNP6 does not provide any guidance on how this aspect of the policy is to be delivered. The Environment Act includes a

number of requirements including habitats to be secured for at least 30 years and to be delivered on site, offsite or via statutory biodiversity credits. Would STC and the QB comment on whether additional text should be added to the policy to reflect the legislation and whether a reference to any STC guidance could be included in the justification.

35. European and national sites - such policies are strategic and should therefore be in the LDF / Local Plan. Would STC confirm whether they have up to date policies on these sites. Do STC consider it appropriate to include these policies in the WNP?
36. Wildlife Corridors – paras 5.46 – 5.47 Would STC confirm the status of these strategic corridors and whether the areas mapped in the Wildlife Corridors Network Review December 2020 should be referred to instead of the LDF corridors. If so, the following text may be added to the end of paragraph 5.46: **“South Tyneside Council completed a detailed site by site review of the wildlife corridors in December 2020. These areas are shown on the Policies Map.”**

Policy WNP7 Green Infrastructure Enhancement and Connectivity

Would the QB and / or STC comment on these as appropriate.

37. Green Belt is not identified as a typology in the GI Strategy. Green Belt is a planning policy to control urban sprawl and not a form of green space or infrastructure. I am proposing to recommend that the bullet point on the Green Belt should be deleted and the Green Belt boundary should not be shown on the Policies Map against Policy WNP7. It may be included in the text of the Plan under paragraphs 3.7 – 3.8 for information.
38. Trees and hedges – I am proposing a revision to the wording of the policy to avoid using the wording “will not be permitted” as follows: Revise the second sentence of the third paragraph of the policy to read: **“Where development proposals would result in the unavoidable loss of trees or hedgerows, proposals will be supported that seek to replace the trees or hedgerow lost either on the site or elsewhere in the Neighbourhood Area.”**
39. The last two bullet points are policy statements. I am proposing that they should be set out as an additional paragraph after the bullets: **“Green infrastructure may be enhanced through the increase in tree cover and the use of native tree and hedge species. The reinstatement of hedgerows and hedgerow trees will be supported.”**
40. Veteran and mature trees. NPPF para 180c) sets out national policy on veteran trees. It is considered unnecessary to repeat it in a neighbourhood plan policy.
41. Would the QB explain how Policy WNP7 is to improve the long term viability of mature trees?
42. The penultimate paragraph is unclear as to how many forms of GI are required. Some flexibility is also needed. I am proposing to revise the penultimate paragraph of the policy to read: **“Major housing developments should incorporate at least one of the following types of Green Infrastructure into the development: a) to d)”**.
43. Has the QB considered how the provisions of Green Infrastructure and Biodiversity Net Gain are to be applied to the same development?

44. Policies Map of GI and Wildlife Corridors – would the QB provide me with updated maps to show the GI drawn from the STC GI strategy (SPD3) without the Green Belt and separately the revised Wildlife Corridor.
45. Are the Green Infrastructure Standards referred to in paragraph 5.53 those of SPD3?

Policy WNP8 Local Landscapes and Seascapes

46. The locally important landscape areas have not been defined or their distinctive character described. I consider that the policy is vaguely worded, the areas are not clearly defined and the policy could not be interpreted consistently by decision makers. I am considering proposing to revise the policy to refer to the landscape character areas defined in the South Tyneside Landscape Character Study. Would the QB and STC confirm that this would be acceptable to them. If so, the following policy wording would be proposed:

“ **Development proposals should include consideration of the impact of the development on the character of the local landscape. Locally important landscapes are:**

- a) **Whitburn Coast, including the Whitburn Coastal Park, the former rifle ranges, coastal areas, The Leas, Whitburn Sands.**
- b) **Lower slopes of Cleadon Hills to north west of Whitburn, including magnesian limestone outcrops and quarry, agricultural land and nature reserves.**
- c) **Whitburn Moor – gently sloping mainly agricultural land.**

47. Is the Shoreline Management Plan current and relevant?

Policy WNP9 Local Green Spaces

48. I am proposing that the policy should include specific wording on the protection of the LGS to replace the statement in the first paragraph as follows: “***Inappropriate development should not be approved except in very special circumstances.***”

Policy WNP11 Community Facilities

49. Paragraph 5.62 includes additional policy requirements. Would the QB consider whether these should be included in the policy as follows: Revise the first paragraph of the policy to read: “.....**identified below will not be supported unless it can be demonstrated that the facility is**

1. ***no longer required by the community; or***
2. ***no longer viable; or***
3. ***that there is an alternative similar facility in Whitburn.***”

Policy WNP12 Whitburn Village Centre

50. Would the QB comment on whether this should be revised to “Whitburn Local Centre” as suggested by STC to be consistent with the terminology used elsewhere.
51. The indication of the extent of the village centre by way of lines in the middle of the road means that the policy is vague and cannot be applied consistently by decision makers to specific buildings / properties. I am proposing to recommend that a boundary line should be drawn around the properties to which the policy will apply. This should be shown clearly on an Inset Map. Would the QB provide me with a map for this purpose?
52. I am proposing to replace “presumption against “ with “will not be supported” to be consistent with the wording used in other policies. The justification in paragraph 5.64 is not consistent with the policy wording and should be revised to reflect the exceptional circumstances where the loss of such units will be justified. Revise the second sentence of paragraph 5.64 to read: “.....**to bring about new retail units, the loss of existing retail units where planning permission is required will not be supported unless the applicant can demonstrate the benefit of the proposal in terms of the matters set out in the policy.**”

Policy WNP13 Sewage and Drainage Infrastructure

53. Consultees are prescribed in the Development Management Procedure Order. A neighbourhood plan policy cannot set out who should be consulted on any particular form of development. I shall be recommending that reference to consultation in the second (sentence 1 and 2) and fifth (first sentence) policies and paragraph 5.77 should be deleted.
54. Paragraph 5.78 refers to development being designed in a way that flows of sewage are not discharged into local water courses. Is this correct as sewage is usually required to be discharged into a foul sewer or a septic tank.
55. Community Action Plan – this appears to be a further evidence report. No projects are included in the Community Projects section of the WNP. Are there any proposed actions that the community intends to pursue?

Policy WNP14 Transport Infrastructure

56. It is considered that the first paragraph is unnecessary as it repeats NPPF paragraph 110e) and national planning guidance on Travel Plans, Transport Assessments and Statements. I am proposing to delete it and revise para 5.85 to refer to the NPPF.
57. The second paragraph lists five junctions that are considered to suffer from traffic pressure. No background evidence has been provided to support this statement and no policy is included to explain what measures are proposed to alleviate the traffic pressure. I am proposing that this paragraph should be placed in the justification with an explanation that development schemes should give consideration to the impact of the traffic on these junctions.
58. Flexibility is required in the third paragraph which I am proposing to revise to read:
“Proposals for major housing development should, where feasible, include

links to existing or proposed pedestrian and cycle routes to Whitburn village centre. Where required.....agreement.”

59. Paragraph 4 of the policy refers to Metro Stations (name them?). Does the QB wish to name any specifically?
60. Paragraphs 4 and 5 of the policy relate to the Local Cycling and Walking Investment Plan and its proposals. I am proposing that these paragraphs should be combined and simplified to improve their clarity. ***“Proposals for the improvement of and extension to the existing network of cycleways, footpaths and bridleways will be supported to improve access to the village centre, green spaces, open countryside and XX Metro Station. The following routes are to be prioritised:”*** List i) to iv) and show routes on an Inset Map.
61. There is provision under separate legislation to divert footpaths as part of developments. I am proposing a less prescriptive form of wording. Revise the final paragraph of the policy to read: ***“Development proposals should avoid the loss of existing footpaths and cycle paths.”***

Policy WNP15 Air Quality

62. As there are no Air Quality Management Areas in Whitburn, would STC confirm whether, based on their evidence, that there is an air quality issue in the Plan area and what measures can be achieved through planning controls to address it?
63. First paragraph – is vague and does not identify which requirements have to be met and who is responsible for regulating or monitoring them. If they are required under other legislation there is no need to specify them in planning policy.
64. Last paragraph is contrary to the Written Ministerial Statement of March 2015 which states that neighbourhood plan cannot include *“any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings.”*
65. Should there be the word “or” at the end of point a)?

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