

# **REPRESENTATIONS TO EAST BOLDON NEIGHBOURHOOD PLAN: SUBMISSION DRAFT (MARCH 2021)**

**ON BEHALF OF BELLWAY HOMES LIMITED**

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)  
PLANNING AND COMPULSORY PURCHASE ACT 2004**



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## 1.0 INTRODUCTION AND CONTEXT

- 1.1 These representations have been prepared on behalf of Bellway Homes Limited in relation to the Submission Draft of the East Boldon Neighbourhood Plan (2020-2036) (EBNP) which has been prepared by the East Boldon Neighbourhood Forum (EBNF).
- 1.2 Bellway Homes Limited is a North-East based housebuilder which operates across the whole of the United Kingdom. They are committed to providing high quality and sustainable housing developments which seek to assist in the Government's aim to significantly boost the supply of housing in order to put in place 300,000 new homes per annum. In this regard, Bellway Homes is recognised as providing high quality new homes through a 5 Star Housebuilder award by the Home Builder's Federation (HBF).
- 1.3 They are active across South Tyneside and have a proven track record in delivering sustainable developments which create a sense of place and a well-designed environment. They are therefore keen to ensure that the EBNP is prepared in a positive and robust way which enables sustainable development and growth to take place over the entire plan period and that is able to adapt to changes in the development industry and the economy more widely.
- 1.4 To this end, Bellway Homes Limited submitted representations to the Pre-Submission Draft of the EBNP in November 2020. For completeness these are included in **Appendix 1** of these representations. It is noted that these comments are registered in the Consultation Statement (February 2021) produced by the EBNF and published alongside the EBNP. These representations refer to this Consultation Statement where relevant.

### ***Bellway Homes Limited's Land Interests***

- 1.5 Bellway Homes Limited's primary land interest within the East Boldon Neighbourhood Area (EBNA, approved in January 2018) is at North Farm and is outlined in the plan found in **Appendix 2** of these representations. Bellway

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Homes Limited has actively promoted this land through South Tyneside's plan-making process and within the latest draft of the South Tyneside Local Plan (Pre-Publication Draft, August 2019) it is proposed to release this site from the Green Belt and allocate it (along with the parcel to the west) for residential development (allocation H3.59).

- 1.6 The land interest and wider allocation will assist in the ongoing sustainable growth of the Borough and will provide a deliverable housing site that will assist the Council in meeting its housing requirements over the plan period. It will provide a logical addition to the EBNA and ensure the area remains vibrant and successful into the future.

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## **2.0 POLICY AND LEGISLATIVE CONTEXT**

2.1 In order that the EBNP is able to progress towards the being a 'made' Neighbourhood Plan (and therefore come into force as part of the wider development plan), it will be necessary for it to meet the 'Basic Conditions' and a number of other legal requirements. National planning policy in the shape of the National Planning Policy Framework (NPPF, February 2019) in paragraph 37 and footnote 21 highlight that these are contained in Paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended). These are also replicated in the Planning Practice Guidance (PPG) which accompanies the NPPF and are:

- a) Having regard to national policies and advice contained in guidance issued by the Secretary of State.
- b) Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses. This however applies to Neighbourhood Development Orders only (and so is not applicable in this case).
- c) Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area. This however applies to Neighbourhood Development Orders only (and so is not applicable in this case).
- d) The making of the neighbourhood plan contributes to the achievement of sustainable development.
- e) The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority.
- f) The making of the neighbourhood plan does not breach, and is

otherwise compatible with, European Union obligations.

- g) Prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

2.2 The NPPF is also clear with regards to the overall scope of neighbourhood plans and distinguishes this from strategic policies which should be contained in local plans. Paragraph 20 lists matters relating to strategic policies as:

***"...an overall strategy for the pattern, scale and quality of development, and make sufficient provision for:***

***a) housing (including affordable housing), employment, retail, leisure and other commercial development;***

***b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);***

***c) community facilities (such as health, education and cultural infrastructure); and***

***d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation."***

2.3 In contrast, non-strategic policies (those which can be covered by neighbourhood plans) are outlined in paragraphs 28 – 30 of the NPPF and cover the following areas:

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- Allocating sites (in accordance with strategic policies);
  - The provision of infrastructure and community facilities at a local level;
  - Establishing design principles;
  - Conserving and enhancing the natural and historic environment; and
  - Setting out other development management policies.

2.4 The fundamental principle of this being that that the strategic policies in local plans are developed with an evidence base that is then subject to a more rigorous examination process compared to that of neighbourhood plans and so it is imperative that the scope of the neighbourhood plan policies flows from the strategic policies rather than the neighbourhood plan addressing strategic policies itself.

2.5 This is pertinent in this case as many of the comments made by Bellway Homes Limited previously relate to nature of the policies of the EBNP which in many instances appear more strategic in nature.

2.6 It is against this background that we set out Bellway Homes Limited's comments on the Submission Draft of the EBNP in the next sections of this document.

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## 3.0 COMMENTS ON THE OVERALL APPROACH

### Strategic Approach

- 3.1 Our comments that were made in relation to the Pre-submission Draft raised a number of objections in relation to the overall approach within the EBNP (see **Appendix 1**).
- 3.2 Whilst the Pre-submission Draft of the EBNP did correctly identify that the policies of the plan needed to be consistent with the strategic policies of the development plan and identified these as the South Tyneside Core Strategy (2007) and accompanying Site-Specific Allocations (2012), the issue that this raises is that the EBNP is then effectively based on a strategic approach that is now nearly 14 years old (the Core Strategy). This makes the EBNP fundamentally flawed as this clearly does not reflect the growth requirements of the EBNA or the wider Borough over the next 15 – 20 years, rather its strategy for growth is based on figures derived from the Regional Spatial Strategy (RSS) which no longer forms part of the development plan.
- 3.3 Furthermore, our previous comments also highlighted that the plan period of the EBNP (2020-2036) misaligns with the Core Strategy which has a plan period up to 2021 (and so this document is becoming time-expired). It was not explained in the Pre-submission Draft how the EBNP can be based on the Core Strategy at all whilst also planning for some 15 years beyond its plan period.
- 3.4 It is noted that these comments have not been addressed in the Submission Draft of the EBNP (the content of paragraphs 1.6 – 1.8 remain the same) and whilst the Consultation Statement (February 2021) acknowledges the points raised, it does not address the fundamental problem with the EBNP being tied to strategic policies which are out of date and which do not comply with the approach to growth within the NPPF and PPG. The response in the Consultation Statement also does not address the points raised about the misaligning of the plan period between the EBNP and the Core Strategy and Site-Specific Allocations and how it seeks to resolve this; that is to say how does the EBNP



seek to plan positively for growth up to 2036 when the strategic policies it is based on only plan up to 2021?

3.5 The Consultation Statement does acknowledge that the EBNP has also been informed by the emerging South Tyneside Local Plan (paragraph 1.8), however this is clearly not the case as the EBNP makes no allowances for emerging allocations coming forward within the South Tyneside Local Plan. In fact, as outlined elsewhere in the representations, it contradicts them and seeks to frustrate the potential development of these allocations by seeking to apply unjustified designations on them.

3.6 Given that our previous issues raised have not been adequately addressed in the Submission Draft of the EBNP, then continue to object to the overall approach of the EBNP on the basis that:

- It is based on strategic policies which are out of date and do not reflect current national planning policy and guidance and does not sufficiently take into account the emerging strategy coming forward for South Tyneside in the emerging Local Plan.
- As a result of this the EBNP is based strategic policies which are nearly time expired (up to 2021) and it is not explained that as this is the case, how the EBNP is able to adequately and robustly plan for growth up to 2036.

3.7 Consequently, we continue to consider that the overall approach of the plan fails the Basic Conditions as it is based on a strategy which is inconsistent with national policies and guidance. In particular that plans are positively prepared and be aspirational but deliverable (NPPF, paragraph 16). This is also echoed in the PPG specifically for neighbourhood plans (Reference ID: 41-005-20190509).

### **Vision and Objectives**

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- 3.8 Our representations to the Pre-Submission Draft also raised issues with the Vision of the EBNP (found in Chapter 3) on the basis that it is very much focussed on the needs of current local residents and community rather than also being forward facing and embracing growth by meeting the future needs of the area to ensure it retains its vitality and viability. It was then pointed out that this filters down to the EBNP's Objectives (also found in Chapter 3) which do not explicitly promote housing growth in the area but do promote employment growth (Objective 4). If this is the case, then such aspiration to create additional jobs will need to be accompanied by housing growth if sustainable patterns of development are to be provided.
- 3.9 It is noted that in EBNP's Consultation Statement that our previous comments have not been taken into account in the Submission Draft of the EBNP. Indeed, it considers that new development is promoted which is sensitive to the character of the village and points to this being encapsulated in Objective 6 which states:
- "Contribute to community wellbeing by ensuring that the neighbourhood plan area's community, especially its older and younger people, have access to the services and facilities they need."***
- 3.10 We do not consider that this does positively promote new development to support the future success of the area, rather it addresses the needs of the current community and the services and facilities they need. It is noted that Objective 5 relates to housing but it is narrow in its aim which focusses on the type of homes needed rather than the quantum and Objective 1 talks only about meeting needs in very broad and non-specific terms.
- 3.11 We therefore continue to object to the Vision and Objectives found in Chapter 3 of the Submission Draft of the EBNP in that they do not explicitly promote housing growth in the area and that they are not forward facing in meeting the needs of future residents as well. As a result of this, they fail the Basic Conditions in that they do not facilitate positive planning which is required through the NPPF (paragraph 16) and seeking to meet the area's future needs (paragraph 11 of the NPPF).

## **Bellway Homes Limited's Land and Green Belt Matters**

3.12 As part of our comments on the Pre-Submission draft, we highlighted a number of objections to the approach to Green Belt within the EBNP. We summarise these points below:

- Bellway's Homes Limited's land is proposed to be released from the Green Belt and allocated for residential development (alongside the parcel to the west of Boker Lane) in the emerging South Tyneside Local Plan (allocation H3.59). The justification for the site's release from the Green Belt is contained within the evidence base that supports the emerging Local Plan. This includes a detailed Green Belt Review (Stages 1, 2 and 3, July – August 2019) and a wider Strategic Land Review (January 2018) which considers the designation within a wider planning context.
- However, this is not acknowledged to any degree within the EBNP which instead seeks to maintain the site's Green Belt designation (see the accompanying EBNP proposals map). It seeks to justify this based on evidence predominantly provided in its Natural Environment Statement (October 2020) and Natural Environment Background Paper (October 2020). However, this does not provide any detail or rationale to refute the conclusions of the Council's Green Belt Review rather it chooses to ignore its conclusions and the proposed residential allocation on the basis of "unresolved objections" even though in the absence of a development plan with an up to date strategy, the EBNP needs to have regards to the Council's emerging strategy and strategic policies. This is outlined in the PPG (Reference ID: 41-009-20190509).
- When the evidence base does discuss the Green Belt this is done in an unstructured way with little reference to the purposes of Green Belt and instead inferring that the Green Belt is an environmental designation (conflating it with greenspace and biodiversity) rather than its purpose as a planning designation. This is evident in the EBNF's attempt to persuade the Council to add a sixth purpose of the Green Belt as a 'Carbon Sink' (which would be contrary to the NPPF, paragraph 134) and underlines their

fundamental misunderstanding of the function of Green Belt land and the fact that not all Green Belt land is of environmental value. This is certainly the case with Bellway's Homes Limited's land interest, hence its suitability to come forward for residential development.

- The EBNP's evidence base in its Natural Environment Statement (October 2020) also references a requirement to use brownfield land prior to any greenfield sites. This again is a misinterpretation of the NPPF which encourages the use of brownfield land rather than requires it to be used ahead of greenfield land (paragraph 117).
- As matters relating to Green Belt are for strategic policies as they influence the form and pattern of development in an area (see paragraph 20 of the NPPF), the EBNP should not be addressing these matters at all, rather should seek to align their approach to the emerging strategy in the South Tyneside Local Plan. This will ensure their plan can cover the needs of the area over the plan period.

3.13 Again, these comments are referenced in the Consultation Statement produced by the EBNF but the document fails to address the fundamental aspects of our objection; namely the disconnect and inconsistency between the approach to the Green Belt in the EBNP and that in the emerging South Tyneside Local Plan; meaning that the EBNP is tied to a strategic approach which is clearly out of date with the consequences that it does not positively plan for growth over its plan period. Whilst the Consultation Statement outlines that some of this is guided by the strong views of the local community, this has to be balanced with the need to ensure the EBNP is prepared in a positive and robust manner which better accounts for the emerging strategy and which ties in with the EBNP's plan period.

3.14 It is noted that the EBNF has now updated the Natural Environment Background Paper (February 2021). Whilst this notes the environmental designations that relate to the area, its conclusions have not changed and as such, Bellway Homes Limited continues to object to the approach to Green Belt in the Submission Draft of the EBNP based on the points raised above. This is on the basis that the approach does not meet the Basic Conditions in being

inconsistent with national policy and guidance and is based on flawed and unsound evidence.

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## 4.0 COMMENTS ON POLICIES

4.1 We comment on the specific policies of the Submission Draft EBNP below and where applicable, reference our previous comments made and how the EBNF has responded to these.

### **Policy EB1 – Sustainability Development**

4.2 Whilst there is a requirement for planning policies to reflect the overall approach to sustainable development reflected in the NPPF, paragraph 16 of the NPPF does highlight that unnecessary duplication of policies that apply to a particular area (including policies in NPPF itself) should be avoided. It is therefore considered that as the content of this policy seeks to replicate areas within the NPPF, it is superfluous and should be deleted or at the very least substantially modified to strip out criteria which are not location specific.

4.3 This point was also raised in our previous representations however the EBNF consider that the policy does provide local detail and so does not replicate the NPPF. We disagree with this point as it is clear that the criteria (which have been slightly amended in the Submission Draft) contain general and non-specific measures including those in criteria a to g which are all replicated within the NPPF. We therefore continue to object to the policy on this basis and believe it does not meet the Basic Conditions in that it is inconsistent with national policy.

4.4 Those that do appear more specific in relation to the EBNA, were objected to in our previous representations. This specifically related to what are criteria H and K in the Submission Draft. The reason for the objection is that the documents referred to in these criteria (East Boldon Design Code and the East Boldon Housing Needs Assessment, EBDC and EBHNA respectively) are not themselves development plan documents rather they are pieces of evidence to inform the EBNP's policies. However as phrased in Policy EB1 there is a requirement to 'accord' with those documents. This effectively gives them development plan status without having to be assessed as development plan

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documents. We also object to the East Boldon Housing Needs Assessment more generally (this is outlined later in these representations).

4.5 In response to this objection raised previously, the EBNF's Consultation Statement agrees that both documents are not separate development plan documents. As a result of this, it is clear that criteria H and K should be amended or deleted as their wording currently gives development plan weight to these documents. We note however that this has not been undertaken in the Submission Draft. As such, our previous concerns still stand and we continue to object to this policy on this basis.

4.6 Likewise, we previously raised concerns regarding how the EBNP's evidence base has assessed Bellway Homes Limited's land in relation to flood risk (contained in the Natural Environment Background Paper (October 2020) and Natural Environment Statement (October 2020)). Whilst it is noted that the Consultation Statement outlines that flood risk is a concern locally (which it has drawn from comments from residents), there is nevertheless a need for any evidence to be robust and to accord with national planning policy and guidance and the existing information that is available. This clearly is not the case when the EBNF's evidence is examined. It is noted that in relation to the Submission Draft, the Natural Environment Background Paper has now been updated (February 2021) but does not address the objections raised. We therefore maintain our objection to this element of the policy on the basis that it could be misapplied if the evidence base is followed.

4.7 As a result of our concerns outlined above, we continue to believe that Policy EB1 of the Submission Draft of the EBNP does not meet the Basic Conditions by virtue of the fact that it is inconsistent with national policy.

### **Policy EB2 – General Location of New Development**

4.8 The policy, as drafted in the Submission Draft of the document, is identical to that in the previous Pre-Submission Draft. We previously strongly objected to the policy given that there is a requirement for the EBNP to positively plan for growth over the plan period (see paragraphs 11 and 16 of the NPPF), yet by

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providing such overly restrictive settlement boundaries it is clear that the EBNP cannot achieve this.

- 4.9 We outlined previously that any settlement boundaries that should be drawn need to be tied to the area's strategic policy and it is therefore important that this is based on an up to date strategic approach which provides the growth required for the area over the plan period.
- 4.10 Our previous comments highlighted that the EBNF appear to have tried to circumvent this by producing their own East Boldon Housing Needs Assessment (EBHNA, May 2019) which contains very low growth requirements for the area. We do not consider the EBHNA itself a robust document (see our comments in relation to Policy EB13).
- 4.11 The approach in the EBNP does not follow this and instead it appears that settlement boundaries derive from very low growth requirements calculated through the EBHNA. We believe this is not an appropriate way forward for planning for growth within the EBNA, as it is not the role of a neighbourhood plan to undertake such work, rather this is the remit of the Council's strategic policies within the emerging South Tyneside Local Plan (see our response to Policy EB13 below).
- 4.12 The Consultation Statement that has been produced by the EBNF highlights that given the stage at which the South Tyneside Local Plan has reached, it cannot be used as a strategic basis for the EBNP. However, the response fails to recognise that the current development plan in South Tyneside is woefully out of date when it comes to assessing the need for housing development (and only covers up to 2021 in any event). The response also does not address the fact that it is not the role of the EBNP itself to set housing need in the area (as the EBHNA seeks to do) and consequently the document cannot be used as evidence on housing requirement in the EBNA going forward.
- 4.13 The consequence of this is that the settlement boundaries themselves are therefore fundamentally flawed and need to be reconsidered to align with the South Tyneside Local Plan, as whilst this is not yet an adopted development



plan, it contains the latest information on quantum of development required over the EBNP's plan period and the appropriate spatial strategy for addressing this. To do this would be entirely consistent with the advice contained in the PPG( (Reference ID: 41-009-20190509).

4.14 Given that Policy EB2 has remained unchanged in the Submission Draft and that the Consultation Statement does not address our concerns raised previously, we continue to object to Policy EB2 on the same basis set out above.

4.15 Our previous comments also highlighted concerns regarding the robustness of the evidence base used to support this policy; namely the Settlement Boundary Background Paper (October 2020). This highlighted that the document took a rather arbitrary view on settlement boundaries and despite referencing evidence such as the emerging South Tyneside Local Plan and its evidence base, it then simply concludes that Bellway Homes Limited's land interest at North Farm is not considered suitable for including in the settlement boundary. This is completely contrary to the assessments and conclusions drawn by South Tyneside Council from its evidence base and is not substantiated in any way rather it simply states that the site:

***"Acts as an important green gap between Boldon and South Shields. Development of the site would result in the loss of separation along Boker Lane, effectively merging East and West Boldon. The site is rich in wildlife and forms an important part of a wildlife corridor and is also at risk from flooding."***

4.16 At the time we strongly disputed this finding given that the land would clearly be a logical infill between two existing forms of built development to the west and east of the site and so would not represent urban sprawl in any way and would be contained by defensible boundaries. The notion that the land would result in a merging of West Boldon and East Boldon was challenged, and it was pointed out that the site would be contained by road infrastructure and that a degree of merging of West Boldon and East Boldon has already taken place to the south of Bellway Homes Limited's site. It also detailed that matters relating

to wildlife corridors and flood risk were misleading as they are constraints which affect the far north of the site and would not prevent future development coming forward.

4.17 Whilst the EBNF has now updated its Settlement Boundary Background Paper (February 2021), it has not changed its conclusions in this respect. Furthermore, this is not acknowledged at all in the EBNF's Consultation Statement and so we also continue to object to Policy EB2 on this basis as well.

4.18 Consequently, we continue to believe that the policy is fundamentally flawed, inconsistent with national planning policy and guidance and so does not meet the Basic Conditions.

### **Policy EB3 – Design**

4.19 Whilst our Client supports matters relating to good design and believes this is fundamental to achieving sustainable places, it has previously raised a number of objections to this policy. Namely:

- Similar to the points raised in relation to Policy EB2, the wording of Policy EB3 requires proposals to 'accord' with the East Boldon Design Code (EBDC) document. This effectively gives the document development plan status without it formally forming part of the development plan and being scrutinised on that basis. This approach contradicts the NPPF (Annex 2) which notes that such documents, should explain planning policy rather than form part of planning policy. As such, references to the EBDC must be removed from the policy.
- The EBDC is overly prescriptive in nature and seeks to impose certain styles on the EBNA which could stifle innovation. This contradicts the approach in paragraph 127 of the NPPF. We also do not believe a design code for such a large area is the appropriate mechanism for securing design principles as design codes are more suited to specific sites/developments.
- The EBDC also contains matters relating to energy efficiency and climate change which we consider should be a strategic matter best dealt with through the emerging South Tyneside Local Plan. Irrespective of this, such

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measures would need to be viability tested and no such evidence of this exists.

- 4.20 It is noted that the EBDC has been updated/reviewed for the Submission Draft of the EBNP (February 2021) but this update does not address the objections raised above.
- 4.21 Indeed we note that the Consultation Statement produced by the EBNF acknowledges these comments and does confirm that the EBDC is not a development plan document, however at the same time the policy in the Submission Draft remains the same. As such, our previous objection raised still stands; that the policy should not require adherence to the EBDC, otherwise it effectively gives the EBDC development plan status.
- 4.22 Likewise, the Consultation Statement disagrees with our previous comments in relation to its overly prescriptive nature although this is not substantiated as to why they feel the requirements in the EBDC are seen as appropriate and how they do not conflict with the part of the NPPF highlighted in our previous representations.
- 4.23 It continues to also include requirements in relation to energy efficiency and climate change and disagrees that these are matters best addressed through strategic policies in the emerging South Tyneside Local Plan. However, the Consultation Statement fails to elaborate on this and explain how the conflict with paragraph 20 of the NPPF has been addressed (given that this explicitly highlights that such policies are strategic in nature).
- 4.24 It is noted that the EBDC has been updated/reviewed for the Submission Draft of the EBNP (February 2021) but this update does not address the objections raised above.
- 4.25 We would disagree with the Consultation Statement which states that the EBDC does not require to address viability. It clearly contains requirements over and above what would ordinarily be expected for development sites (including the aforementioned energy and climate change requirements). As such, there

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needs to be certainty that such requirements would not adversely affect the deliverability of development coming forward over the plan period. Again, the NPPF is clear in paragraph 34 about this and this is supported by the PPG (Reference ID: 10-001-20190509 and 10-002-20190509).

- 4.26 As it is the case, that the Consultation Statement does not adequately address our objections that have been previously made, we continue to object to Policy EB3 of the Submission Draft of the EBNP based on the above points. As there is a clear conflict with the NPPF and PPG, we consider that it does not meet the Basic Conditions.

#### **Policy EB4 – Heritage Assets**

- 4.27 This policy has been expanded since the previous draft of the EBNP which now includes specific measures relating to the East Boldon Conservation Area. Our comments on the Pre-Submission Draft highlighted our concern that the EBNP seeks to add to the list of non-designated heritage assets in the area (contained in the East Boldon Community Character Statement August 2019 referred to in the policy). This is a matter which is beyond the remit of the EBNP and in doing so, also seeks to give development plan weight to a document which sits outside the plan (which is inconsistent with the NPPF).
- 4.28 These issues have not been acknowledged or addressed in the Consultation Statement produced by the EBNF and continue to be included in the policy (with paragraph 5.22 of the Submission draft seeking to add in a number of additional heritage assets). Our previous objection therefore still stands on this basis.
- 4.29 Whilst the additional elements added to the policy in relation to the East Boldon Conservation Area are noted, it needs to be demonstrated that these tie in specifically with the features and requirements of the conservation area. Currently we cannot see the link between the two. We therefore deem this part of the policy unjustified.

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4.30 On this basis we continue to object to Policy EB4 of the Submission Draft of the EBNP and consider it needs substantial changes to meet the Basic Conditions (referred to in our previous representations found in **Appendix 1**).

#### **Policy EB5 – Green and Blue Infrastructure**

4.31 We previously strongly objected to this policy on the basis that it seeks to designate Bellway Land Limited's land interest entirely as Green Infrastructure. This is despite that it is privately owned land that has never been identified as Green Infrastructure previously, this includes in the emerging South Tyneside Local Plan and in the adopted Green Infrastructure Strategy Supplementary Planning Document (SPD). There is therefore no justification for this designation and indeed its designation entirely contradicts and undermines the emerging strategy in the South Tyneside Local Plan, which itself has its own approach to Green Infrastructure provision.

4.32 We note in response, the ENBF has highlighted in its Consultation Statement that the South Tyneside Council work only looks at Green Infrastructure on a strategic basis whilst the EBNP looks at more locally important Green Infrastructure. However, this raises a number of fundamental issues.

4.33 Firstly, this is not what is indicated within the Submission Draft of the EBNP, where it says Green Infrastructure Corridors are informed by the emerging South Tyneside Local Plan and the aforementioned SPD. It makes no reference to then amending these and provides no solid evidence to justify the expansion of the Green Infrastructure Corridor to go over Bellway Homes Limited's land interests in its entirety. On this basis alone the designation should be rejected. Again, there is need for consistency with the strategic policies of the development plan and emerging development plan. The ENBF's approach in this instance is entirely inconsistent.

4.34 Second, the response in the Consultation Statement talks about 're-wilding' of the land and the presence of a 'Mature Hawthorn Copse' but again provides no evidence that in fact the site has been 're-wilded' (for instance no detailed ecological assessment or assessment of its Green Infrastructure credentials).

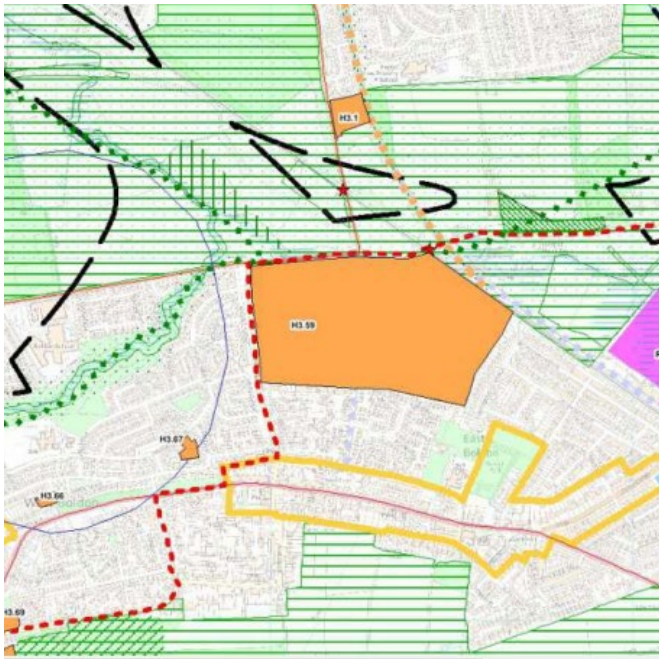
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The Natural Environment Statement (October 2020) which accompanies the EBNP as part of its evidence base highlights a range of birds and animals found on the land but this is based entirely on local conjecture/anecdotal evidence and has not been verified by detailed and robust ecological assessments. The evidence to support it is therefore flimsy at best. The Consultation Statement also mentions Tiled Burn and mature hedgerows and trees on the boundaries of the site, but this in itself does not provide robust justification for the Green Infrastructure designation and it is entirely possible for such features to be fully integrated into future development proposals for the land. Again, it should be noted that this land is privately owned so any use by the public would be considered trespassing.

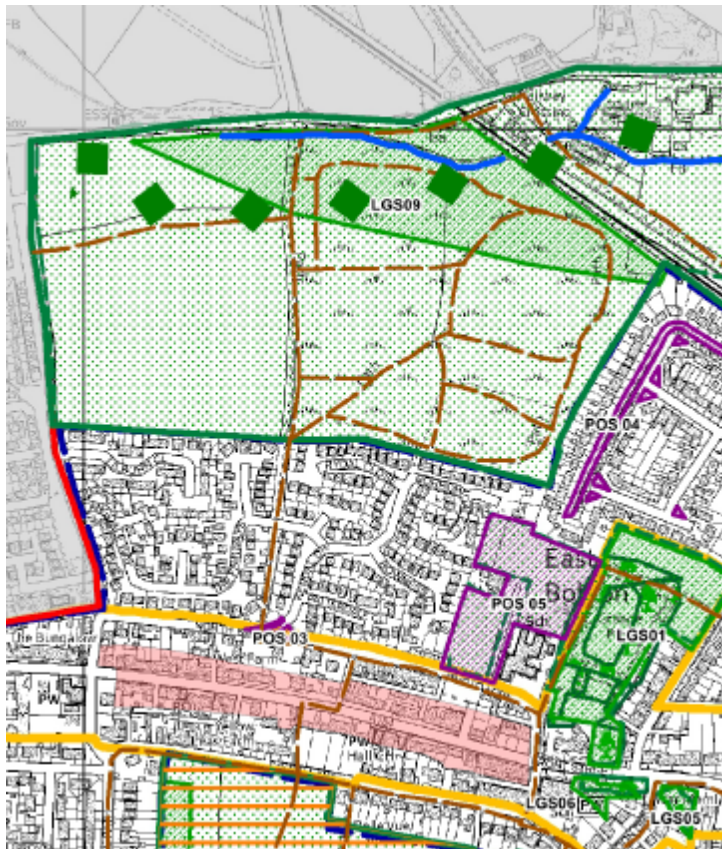
4.35 Thus, we continue to object to this policy and the Green Infrastructure designation proposed on Bellway Homes Limited's land interest within the Submission Draft of the EBNP.

4.36 In addition to this, our previous representations outlined an objection in relation to the wildlife corridor designated on Bellway Homes Limited's land interest which extends much further south than portrayed in the existing and emerging development plans as shown in Figures 1 and 2 below.

**Figure 1 – Wildlife Corridor as shown in the Green Infrastructure SPD (February 2013) and emerging South Tyneside Local Plan (Green Diamonds)**



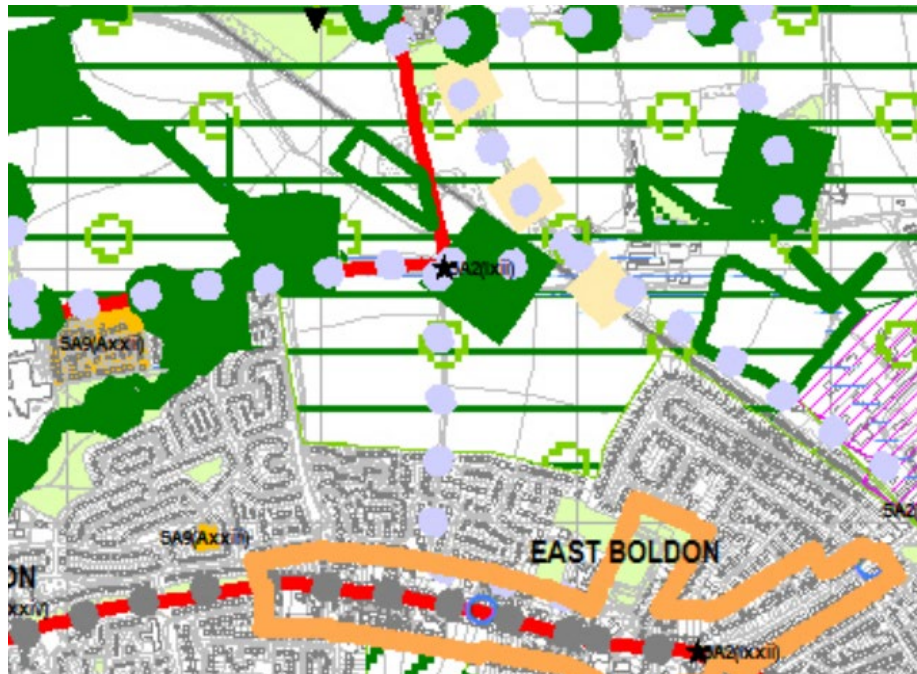
**Figure 2 – Wildlife Corridor as shown on the EBNP Proposals Map (Green Diamonds)**



4.37 It is therefore again inconsistent with the current and emerging development plan. In response the Consultation Statement highlights that that the EBNF consider that the Wildlife Corridor is accurately portrayed with reference to the South Tyneside Site-Specific Allocations Document. We outline this extract in Figure 3 below:



**Figure 3 – Wildlife Corridor as shown on the South Tyneside Site Specific Allocations Document (Green Diamonds)**



- 4.38 Whilst the Green Diamonds in this document are unhelpfully large in scale relative to the map, it is still nevertheless clear that this Wildlife Corridor is consistent with those in Figure 1 above rather than that portrayed in the EBNP Proposals Map (Figure 2). Irrespective of this, the diagrams in Figure 1 supersede that within the Site-Specific Allocations Document.
- 4.39 This therefore only serves to confirm our previous objection and we again would request that this Wildlife Corridor is redrawn more accurately.
- 4.40 Given that our previous changes requested have not be undertaken we therefore continue to object to Policy EB5 of the and accompanying policies map as drafted in the Submission Draft of the EBNP for the reasons outlined above and do not consider it meets the Basic Conditions given it is inconsistent with national policy and the existing and emerging strategic policies for the area.

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4.41 We note that a portion of Bellway Homes Limited's land interest is also proposed to be designated as Local Green Space. We address this matter in our comments relating to Policy EB17 below.

**Policy EB6 – Landscape**

4.42 This policy remains largely unaltered in the Submission Draft. Our previous comments highlighted that:

- Matters relating to landscape (as portrayed in Policy EB6) should be covered by strategic policies in the development plan. As the EBNP is to consider non-strategic policies, it should not cover matters relating to landscape. On this basis alone, this policy should be deleted.
- The policy wording also makes explicit reference to the EBDC and South Tyneside Landscape Character Study and the need to be in accordance with these documents. However, both of these are not development plan documents and so should not be referenced within the policy as this effectively gives them development plan weight and is contrary to the NPPF.

4.43 In response to this, the Consultation Statement disagree that such policies should only be the remit of strategic policies but does not explain how it does not conflict with paragraph 20 of the NPPF which is clear that such policies which feature landscape designations are indeed strategic. The Consultation Statement instead outlines that such policies are present in 'numerous plans' but is not specific about which plans these are.

4.44 It also does not address the issue that the wording of the policy effectively gives development plan weight to two documents referred to in second bullet point above. This is clearly at odds with the NPPF and so still needs addressing.

4.45 Our previous comments also noted that in relation to Bellway Homes Limited's land interest, a 'Mature Hawthorn Copse' has been identified on the site. It was noted that it was unclear as to how this has been defined, how the EBNF has accessed the land (as this would constitute trespassing) and whether the

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relevant surveys have been undertaken to support this identification.

- 4.46 The EBNF's Consultation Statement does not provide any further information in regards to this and merely states that

***"...[it] is a haven for wildlife and is a pleasant rural feature of this re-wilded site. The copse, together with other individual specimens and groups across the site, are now maturing after more than 25 years of growth. One of the well-established informal tracks on this site crosses through the copse.***

***The hawthorn copse is clearly visible from the bridleway, without the need for "trespass" and is clearly evident from aerial photographs along with the paths and tracks. The site has been open for public access at several positions, with no signage otherwise, for well over 25 years. Indeed, most of the paths and tracks, as well as the outline of the hawthorn copse are indicated on the map submitted alongside the comments."***

- 4.47 There is no robust evidence submitted to prove that it is a 'haven' for wildlife (or details of which species are apparent, and which are protected) and that the land has been 're-wilded'. We do not consider the EBNF's Natural Environment Statement (October 2020) or Natural Environmental Background Paper (February 2021) provide such robust and comprehensive evidence as this appears based on anecdotal information which has not followed relevant guidance in undertaking ecological surveys. In fact the Consultation Statement only confirms that there has been no detailed examination of the vegetation on the site in any way. The response makes reference to informal tracks but again, the use of these constitutes trespassing.

- 4.48 The Consultation Statement therefore does not address the objections raised previously in our representations and as the policy remains largely unchanged, we object to Policy EB6 of the Submission Draft for the reasons set out above and consider that it does not meet the Basic Conditions by virtue of conflicting with national policies.

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## Policy EB7 – Biodiversity

- 4.49 Whilst Bellway Homes Limited acknowledges the role that biodiversity plays in helping shape places and development, our previous comments objected to Policy EB7 in that it appeared to address matters which are more strategic in nature and so are beyond the remit of the EBNP and contrary to the NPPF and PPG. Indeed, the emerging South Tyneside Local Plan contains such a policy (Policy NE2) with which this policy is inconsistent.
- 4.50 We note that this overall approach to the policy has not changed in the Submission Draft and so we continue to object to this policy on this basis. We also note that the policy now includes a requirement to achieve a minimum of 10% net gain in biodiversity. However, this 10% requirement (coming through the Environment Bill) is not yet law and so should not be included in this policy.
- 4.51 In its Consultation Statement the EBNF believes that the policy does meet the NPPF requirements but does not specifically point to which part of the NPPF this is consistent with (when there is a conflict with paragraph 20). Our objection in relation to this part of Policy EB7 of the Submission Draft therefore still stands.
- 4.52 Our previous comments also objected to the identification of Bellway Homes Limited's land interests as being of a higher ecological value in the absence of any detailed ecological assessments. The response in the Consultation Statement merely mentions either data collected by local residents. This data has not been verified in any way or seemingly undertaken in accordance with the relevant guidance with the data itself is not representative of an ecological assessment. The information to support the assertion also relies on general habitat designations which cover much wider areas and which are not specific for this site. These combined do not result in information to classify the site as having a higher ecological importance and references to 're-wilding' are again unsubstantiated. The associated evidence base in this regard in the form of the Natural Environment Statement (October 2020) and the Natural Environment Statement (February 2021) do not provide a robust assessment and cannot be relied upon in any way.

4.53 As such we also object to Policy EB7 on this basis and overall consider the policy does not meet the Basic Conditions as it is inconsistent with national policies and not based on robust data.

#### **Policy EB8 – Protecting Trees and Woodland**

4.54 This policy remains unchanged in the Submission Draft of the EBNP and so our previous objections still stand which are that:

- The policy is more strategic in nature and so should not be included in the EBNP; and
- In relation to Bellway Homes Limited's land interest, a 'Mature Hawthorn Copse' has been identified on the site. It is unclear as to how this has been defined (without trespassing on private land) and whether the relevant surveys have been undertaken to support this identification.

4.55 In the EBNP's Consultation Statement it confirms that no such detailed survey has been undertaken in relation to the 'Mature Hawthorn Copse' to support the assertions made.

4.56 We therefore object to Policy EB8 of the Submission Draft of the EBNP and consider it should be deleted for failing to meet the Basic Conditions.

#### **Policy EB13 – The Delivery of New Housing**

4.57 Our comments on the Pre-Submission Draft of the EBNP strongly objected to this policy (with the full rationale set out in **Appendix 1**). Fundamentally the policy has been informed by the EBHNA document and as a result of this, there is a clear conflict with national policy and guidance in that it is clear that establishing housing requirements is the remit of local plans (given that housing needs is a strategic concern). The PPG explains this by stating:

4.58 ***"Strategic policies should set out a housing requirement figure for***

***designated neighbourhood areas from their overall housing requirement. Where this is not possible the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body, which will need to be tested at the neighbourhood plan examination. Neighbourhood plans should consider providing indicative delivery timetables, and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new local plan.*** (Reference ID: 41-009-20190509).

4.59 Whilst the PPG does mention exceptional circumstances where a neighbourhood area can determine its own figure, there is no evidence that these circumstances are applicable in this case; especially as South Tyneside Council has a draft Local Plan with a housing figure contained within it. Indeed, the PPG is clear that in the absence of an up to date housing figure, the EBNF should be considering up to date housing need evidence in the emerging development plan:

4.60 ***"A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. Although a draft neighbourhood plan or Order is not tested against the policies in an emerging local plan the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing need evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development."*** (Reference ID: 41-009-20190509).

4.61 As such, on these grounds alone the policy (and those related to it such as Policy EB2) fail to meet the Basic Conditions in being inconsistent with national policies.

4.62 The ENBF's response in their Consultation Statement outlines that the EBNP

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does not identify a housing requirement but this is clearly incorrect given that the EBHNA is part of the Council's evidence base, is referred to in the EBNP and it is clear that it has influenced Policy EB13 and Policy EB2 (which relates to settlement boundaries) and the fact that little housing growth is envisaged within the EBNP. If this were not the case that then why would the EBNF commission such work?

4.63 As this fundamental issue has not been addressed in the Submission Draft of the EBNP, we continue to object to Policy EB13 and believe it is flawed and does not meet the Basic Conditions (given the conflict with national policy and guidance).

4.64 Notwithstanding this, we also continue to consider that the EBHNA itself is a fundamentally flawed document. As outlined in our comments on the Pre-submission draft, the EBHNA itself addresses the matter of housing need inadequately in that it intends to adapt the standard method outlined in the PPG to the EBNA, when it is specifically designed to determine housing at a local authority level. This is evident by the fact that AECOM have had to calculate the Borough-wide figure for South Tyneside and then seek to apportion it to the population of the EBNA (which can only be done approximately). The inherent flaw in this is that all the inputs which feed into the figure are borough-based and not locally based (eg. the affordability ratio) which means getting to an accurate housing needs figure is simply not possible and the figure arrived at is deeply flawed.

4.65 The approach is further undermined by ignoring the emerging spatial strategy within the South Tyneside Local Plan when examining the housing need figure (even though it is meant to cover the same plan period) and through a lack of commentary on whether a further uplift is required given that the PPG is clear that the standard method figure is a minimum 'starting point' (Reference ID: 2a-010-20190220). The EBHNA itself appears to doubt the veracity of its work and it notes in the text box after paragraph 28 that the EBNF should verify the figure with the Council. This does not appear to have been done.

4.66 In its Consultation Statement, the EBNF's has not sought to justify AECOM's

approach at all or attempt to explain the identified deficiencies. Indeed, given the defects in the EBHNA of identifying the quantum of housing within the EBNA, it should be disregarded entirely as a piece of evidence.

4.67 As nothing has changed in relation to this in the Submission Draft, then we continue to strongly object to the EBHNA and Policy EB13 on the same basis.

4.68 As outlined above, the consequence of using the EBHNA to inform Policy EB13 (and also Policy EB2) is that the EBNP itself provides no housing allocations instead relying on windfall sites to come forward within the area's tightly drawn settlement boundary. No testing has been undertaken to establish if there is capacity within the settlement boundary to accommodate the required growth and it is not explained within the EBNP or its evidence base how this constitutes a positively prepared plan (according to paragraph 16 of the NPPF and Neighbourhood Planning section of the PPG) and the potential effects this may have on neighbouring areas.

4.69 We would again maintain that this demonstrates that the entire housing strategy and accompanying policies in the plan (namely Policy EB2 and EB13 of the Submission Draft) do not meet the Basic Conditions and therefore need to be deleted.

4.70 In our previous representations, we also outlined our objections to specific criteria/requirements featured in Policy EB13. As these have not changed substantially in the Submission Draft, we continue to object to these. We therefore replicate these points in Table 1 below:



**Table 1 – Commentary on Policy EB13**

Policy Text	Commentary
<p>The delivery of new market and affordable housing will be supported where it is located within the settlement boundary on sites that are not allocated for other uses and where it complies with the relevant policies within the development plan.</p>	<p>As outlined in our response to Policy EB2 and our response elsewhere to Policy EB13, this approach, which relies on a low housing growth figure (which is not robustly prepared) and a tightly drawn settlement boundary, is fundamentally flawed and we strongly object to this element of the policy. It is not positively prepared (as required by national planning policy and guidance) and will not assist in meeting the needs of the area over the plan period. Instead the approach should seek to tie in with the emerging South Tyneside Local Plan which is more positively prepared and acknowledges the growth requirements of the area over the plan period and thus allocates land accordingly.</p> <p>The element of the policy which also seeks to effectively block other uses coming forward on an allocated site conflicts with national planning policy and planning legislation. This is clear that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The approach in this element of the policy ignores the point about material considerations which is a crucial part of the English planning system. Given this conflict, this part of the policy should be removed.</p>

<p>New dwellings must be built in accordance with the Nationally Described Space Standards or equivalent successor standards.</p>	<p>We object to this element of the policy. This is clearly a matter which should be addressed as part of the strategic policies contained within the emerging South Tyneside Local Plan and not the EBNP (see paragraph 20 of the NPPF and the PPG Reference ID: 56-020-20150327). This requirement should therefore be removed. It is noted that the current draft of the Local Plan does not include this standard.</p> <p>Furthermore, there is no evidence to support the imposition of Nationally Described Space Standards in terms of the requirements set out in the PPG in relation to need, viability and timing (Reference ID: 56-020-20150327). As such, this policy requirement is not justified and further reinforces its case for deletion.</p>
<p>All new development proposals for the delivery of ten or more residential dwellings or on sites of 0.5 hectares or more must be informed by a comprehensive masterplan to be prepared in consultation with the East Boldon Neighbourhood Forum and the local community. The level of detail contained within the masterplan will be proportionate to the size of the site, level of development and issues impacting on the development.</p>	<p>The requirement for a masterplan approach to development would need to be determined on a site by site basis as some development land may simply not require such detail if a full planning application is to be submitted and there is no phasing involved. We therefore object to this requirement.</p> <p>The policy is also unclear on the role of the EBNF in the masterplan process. As the local planning authority, it will be the Council to who should be responsible for assessing and approving the masterplan. This should be in conjunction with the developer who will ultimately be delivering the proposals.</p>

	<p>We would therefore request that the requirement for a masterplan is more flexible and it is made clear that it would be for the Council to assess and approve in consultation with the developer bringing forward the site.</p>
<p>Requirements of the masterplan (this based on a number of criteria).</p>	<p>As a general comment many of the criteria may not be applicable to all sites and so this part of the policy should be caveated accordingly.</p> <p>Some of the policy criteria which relate to housing mix (Part B), Parking Provision (Part G), Highway Impact (Part H), Flooding (Part K) and Biodiversity (Part L) would require specific details to be provided which would be more appropriately provided at the detailed planning application stage rather than the masterplan stage. As such these criteria need to be removed from the policy.</p> <p>We also object to other criteria such as the requirement to be in accordance with the EBDC. We object to this document anyway (see our response to Policy EB3) and it should not be referred to in the policy text of EB13 as it is not a development plan document and should not be given such weight through this policy. This reference needs to be removed.</p> <p>We would also seek removal of the need to comply with 'Building for a Healthy Life' for the same reasons. We do not regard this as a nationally recognised document and</p>

so this criterion should be removed.

- 4.71 As a result of this in summary our views on Policy EB13 remain unchanged, we have fundamental objections to Policy EB13 and believe it is based on a flawed housing strategy and so should be removed entirely. Even putting these fundamental issues aside, the policy text contains a number of requirements and criteria which are either inflexible, lack evidence or contradict national planning policy and guidance. As such, these elements of the policy need to be removed.

#### **Policy EB14 – Housing Mix**

- 4.72 Consistent with other comments elsewhere in our representations, we consider that issues relating to housing mix need to be informed by the evidence prepared to support relevant strategic policies. This is clear when examining the PPG (Reference ID: 41-103-20190509). In this instance, the policy will need to be updated once the Council publishes an updated Strategic Housing Market Assessment (SHMA) which we understand will be shortly.
- 4.73 The EBHNA itself draws a number of conclusions in relation to housing mix. Firstly, it seeks predominantly to provide 2 bedroom properties (42%) with a lower proportion of 3 bedroom properties (32%). 1 bedroom properties are to be 26% of the mix, whilst 4 bedroom properties are 0%. We strongly object to this mix as this will also need to be informed by market factors and elements such as viability and the effect such a mix will have on deliverability of sites (including the house types such as bungalows). There is no mention of this at all within the EBHNA and so its conclusions do not tell the whole story (for instance they do not appear to have engaged with house builders in the area to seek their views). Therefore, to rely on this to set a housing mix is not robust and we would seek that additional evidence is provided which would paint a fuller picture and is based on evidence which can be tested and scrutinised at a local plan examination (hence this should be led by the updated SHMA not the EBHNA). As such we object to the policy as it is based on insufficient evidence.

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- 4.74 Whilst these points have been raised previously in our representations to the Pre-Submission draft, the EBNF's Consultation Statement fails to address these and instead simply highlights that the EBHNA is prepared by a national planning consultancy with significant experience. This however does not mean it is correct and it is important to highlight that Pegasus Group itself is also a national planning consultancy with significant experience and expertise in this area.
- 4.75 Whilst the Consultation Statement states that no viability work is needed in relation to this policy, given that it seeks to steer development towards certain house types and sizes, it is imperative to understand how this affects deliverability of sites. Linked to this is the need to ensure that any such policy should be flexibly applied to take into account site specific circumstances and specific types of housing sites. This again has not been acknowledged by the EBNF.
- 4.76 As such we object to Policy EB14 of the Submission Draft of the EBNP and believe that to meet the Basic Conditions (and be consistent with national policy) the policy needs to be amended to ensure maximum flexibility.

#### **Policy EB15 – Affordable Housing**

- 4.77 Our previous comments submitted in relation to this policy highlighted that such a policy is strategic in nature and therefore should not be in the EBNP given that paragraph 20 of the NPPF clearly states this. As a response, the Consultation Statement produced by EBNF disagrees with this although does not give a reason or policy justification why.
- 4.78 Furthermore, our previous representations highlighted that notwithstanding this, there is a requirement for any such policy to be consistent with the emerging strategic policies in the South Tyneside Local Plan and the NPPF definition of affordable housing (contained in Annex 2). These points have not been picked up in the EBNF's Consultation Statement.

4.79 For this reason, our previous comments that we have provided continue to apply to Policy EB15 of the Submission Draft of the EBNP. We therefore continue to object to this policy.

### **Policy EB17 – Local Greenspace**

4.80 Our Client strongly objects to this policy and the reasons for this were clearly articulated in our previous representations (see **Appendix 1**) and relate to the proposed designation of greenspace on Bellway Homes Limited's land interests (EBNP reference: LGS09). We note that the EBNF has responded to this in their Consultation Statement but it is considered that this does not adequately address the matters raised. As such our current objections remain. For completeness we reiterate these below.

4.81 The proposed designation and the EBNP's aim to apply this to land which is privately owned and where the owner of the land has not been notified previously of this intention is deeply flawed. On this basis alone, the designation is not justified and should be removed given that the PPG is clear that when it comes to private land, contact should be made with the landowners at an early stage in the plan making process when intending to designate Local Greenspace (Reference ID: 37-019-20140306). This has not happened in this case and so the designation fails on this basis.

4.82 The ability for neighbourhood plans to designate Local Greenspace is covered by paragraph 100 of the NPPF. This outlines that these should only be designated in the following instances:

- In reasonably close proximity to the community it serves;
- Demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- Local in character and is not an extensive tract of land

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- 4.83 The PPG provides further guidance on the designation of Local Greenspace in that it will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making (Reference ID: 37-007-20140306).
- 4.84 The EBNF has undertaken a Local Greenspace and Protected Open Space Background Paper (October 2020) which seeks to justify the designation of Local Greenspace on the site. This has subsequently been updated in February 2021. We dispute many of the findings within this document.
- 4.85 It is clear that Local Greenspace designations are not meant to undermine plan-making. In this instance Bellway Homes Limited's site is proposed to be removed from the Green Belt and allocated for housing in the emerging South Tyneside Local plan, yet this matter is conveniently overlooked by the Background Paper which simply believes the allocation is subject to "unresolved objections" (which it believes provides the evidence to allow a proposed Local Greenspace designation). This is untrue given that the evidence base to support the allocation does not raise any fundamental objections (hence its proposed allocation). The Background Paper also references the accessibility of the land to the local community and its use for dog walking. It should be emphasised that this is private land and people who are currently using it are illegally trespassing. As such, these points can be discounted.
- 4.86 In this instance the Consultation Statement highlights that the land has been open for public access for 25 years. However, just because the land is accessible, does not mean it can be used freely and the issue of trespassing is still valid. The EBNF has also reiterated the point about objections to the emerging South Tyneside Local Plan but does not state what these are and which parts of the evidence which supports the proposed housing allocation on Bellway Homes Limited's are not robust. Given the paucity of other robust information, the emerging South Tyneside Local Plan needs to be taken into account to a greater degree.

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- 4.87 The Background Paper also mentions the ecological value of the land but this is only evidenced by anecdotal points and not a full ecological survey. It should be noted that the Wildlife Corridor runs adjacent to the road in the far north of the site (not as shown on the EBNP proposals map) and so only forms a small part of the Local Greenspace designation and itself cannot provide the justification for the designation. Other comments such as the site's 'beauty' are subjective in nature and have not been verified by any assessment and so can also be discounted.
- 4.88 The response in the Consultation Statement makes reference to 're-wilding' and 'several distinct habitats including wetland, the mature hawthorn copse as well as grassland' yet these have not been verified by a formal assessment or their quality ascertained and so our point raised has not been addressed.
- 4.89 The area subject to the proposed designation is also vast in size and it is worth noting that both the NPPF and PPG seek to resist the setting of vast tracts of Local Greenspace. In fact, the PPG goes further in stating:
- "...Local Green Space designation should only be used where the green area concerned is not an extensive tract of land. Consequently, blanket designation of open countryside adjacent to settlements will not be appropriate. In particular, designation should not be proposed as a 'back door' way to try to achieve what would amount to a new area of Green Belt by another name."*** (Reference ID: 37-015-20140306)
- 4.90 Our view is that given the proposed housing allocation on the land put forward in the emerging South Tyneside Local Plan (which we know that the EBNF object to) that the proposed Local Greenspace is a blanket designation as described by the PPG and on this basis needs to be removed from the EBNP. This includes reference to a 'Mature Hawthorn Copse' on the site. Again, this has been added without any evidence to substantiate its value and condition and should therefore be removed.
- 4.91 For the reasons set out above, the proposed designation does not meet the tests in paragraph 100 of the NPPF and if brought forward would undermine



plan-making in terms of the emerging South Tyneside Local Plan and the proposed housing allocation on the land. As such, there is no justification for Local Greenspace LGS09 and it needs to be removed from the EBNP.

- 4.92 It should also be highlighted that Local Greenspace designations should also include plans for their management. The PPG highlights that

***"Management of land designated as Local Green Space will remain the responsibility of its owner. If the features that make a green area special and locally significant are to be conserved, how it will be managed in the future is likely to be an important consideration. Local communities can consider how, with the landowner's agreement, they might be able to get involved, perhaps in partnership with interested organisations that can provide advice or resources."*** (Reference ID: 37-021-20140306).

- 4.93 Given that the Local Greenspace in this instance is being brought forward against the wishes of the landowner, even in the event that it were designated, it would not be able to be managed effectively and so again its proposed designation fails on this basis and this further reinforces the point that the LGS09 designation is not robust and cannot progress.

- 4.94 It is noted that the EBNF's Consultation Statement amends the policy to include management of local greenspaces but this does not address the matters raised above which still stand.

- 4.95 As a result of all this, we continue to object to Policy EB17 of the submission draft of the EBNP and specifically the proposed designation of local greenspace on Bellway Homes Limited's land interest (EBNP reference: LGS09). It is clear that this does not meet the Basic Conditions and so should be removed.

### **Policy EB19 – Infrastructure**

- 4.96 Whilst we would agree that the provision of supporting infrastructure alongside

development is needed, such policies as EB19 are strategic matters which should be covered by local plans. This allows the relevant evidence to be provided to support the approach including a detailed Infrastructure Delivery Plan (IDP) and the necessary plan-viability work to demonstrate that infrastructure will not undermine the viability of development (taking into account other policy requirements). These can then be fully scrutinised at a subsequent local plan examination.

4.97 This echoes our previous comments made and is noted that as the policy remains, this point has not been addressed. The Consultation Statement prepared by the EBNF agrees that the provision of strategic infrastructure is a matter for the local plan but considers that there are also non-strategic pieces of infrastructure that can be included in neighbourhood plans. However, the list included in the response incorporates areas specifically identified in paragraph 20 of the NPPF as areas to be covered by strategic policies this includes schools, health facilities, community centres transport networks, energy supplies, water, drainage and ICT networks; and green infrastructure. This therefore only serves to reinforce our point made above.

4.98 As a result of this we continue to object to Policy EB19.

### **Policy EB20 – Sustainable Transport and New Development**

4.99 In a similar manner to Policy EB19, we maintain that whilst matters relating to sustainable transport are important, they should form part of a development plan's strategic policies (as they apply on a Borough-wide basis). This is consistent with paragraph 20 of the NPPF. These should therefore be considered through the emerging South Tyneside Local Plan rather than the EBNP.

4.100 This is disputed by the EBNF in their Consultation Statement although it fails to articulate how it addresses the conflict with the NPPF. Likewise the Consultation Statement does not respond to concerns relating to flexibility which have been previously highlighted in our representations in that providing the required pedestrian and cycle routes (Part C) may not be feasible for all

sites and likewise, it may be beyond the control of the developer to ensure that existing or new public transport services can accommodate development proposals given that public transport is operated by private companies who would need to agree this (Part D).

4.101 The policy also references the EBDC (Part B), which consistent with points raised previously, is not a development plan document and so should not be referenced in the policy, as to do so would give the document development plan weight. This is inconsistent with the NPPF. References to car parking standards are also superfluous as there are other policies which cover these (Part F).

4.102 As a result of this we continue to object to Policy EB20 for the reasons set out above and believe it does not meet the Basic Conditions in being consistent with national policy and guidance.

#### **Policy EB22 – Cycle Storage and Parking**

4.103 As outlined above, we support the provision of sustainable transport which can help underpin successful developments. However, as set out in our previous comments, provision for elements such as cycle storage and parking should be informed by evidence as highlighted in the PPG ((Reference ID: 54-006-20141010). Such evidence is not found within the documents which support the Submission Draft of the ENBP. We therefore continue to object to Policy EB22 on this basis.

#### **Policy EB23 – Residential Parking Standards**

4.104 Our previous comments broadly supported this policy but highlighted that some degree of flexibility is needed where there is good access to public transport.

4.105 We note that in response the EBNF has outlined in their Consultation Statement that residents have highlighted that parking matters affect all areas of the

EBNA irrespective of distance to public transport. However, this appears to be based on anecdotal feedback which cannot be solely relied upon for supporting the policy.

- 4.106 As a result of this we consider our previous comments still stand and should be taken into account when examining Policy EB23.

**Policy EB25 – Walking and cycling network (previously referred to as Active Travel Routes)**

- 4.107 In our previous comments on the EBNP we strongly objected to this policy as the routes identified ran across Bellway Homes Limited's land interest yet were not supported by any robust evidence and the approach clearly conflicted with the emerging strategy in the South Tyneside Local Plan (of which the EBNP is meant to be cognisant).

- 4.108 Again, it is emphasised that the land is privately owned and the use of the land for such routes represents trespassing that is illegal and does not have permission from the landowner for this right of way. The policy itself is also entirely inflexible in seeking to protect routes which have no formal status. This has no basis in planning law and is unjustified in its approach.

- 4.109 In response to these comments made, the EBNF in its Consultation Statement outlined that the routes on the site have been well used for 25 years. However, this does not negate the fact that those using the land are trespassing and do not have the owner's permission to use the land. The response also does not address our comments in relation to the conflict with the emerging South Tyneside Local Plan or that such informal routes cannot be protected in this way.

- 4.110 As a result of this, we maintain our objection to Policy EB25 in the Submission Draft of the EBNP based on the points previously raised above. On this basis, the policy does not meet the Basic Conditions in being consistent with national policy.



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## 5.0 SUMMARY AND CONCLUSION

- 5.1 These representations to the Submission Draft of East Boldon Neighbourhood Plan (EBNP, March 2021) have been prepared on behalf of Bellway Homes Limited. The following representations submitted on behalf of Bellway Homes Limited to the Pre-submission draft of the EBNF in November 2020 and which for reference are found in **Appendix 1** of these representations.
- 5.2 Bellway Homes is a national housebuilder with a land interest in the area (see **Appendix 2** of these representations). They have an excellent track record of delivering sustainable housing locally and has therefore been keen to be involved in the ongoing evolution of the EBNP to ensure it is a robust document which meets the 'Basic Conditions' and which allows the area to benefit from future growth. This future growth is necessary to ensure the area remains a thriving and viable place over the next 15 – 20 years.
- 5.3 Bellway Homes Limited's land interest at North Farm is proposed to be released from the Green Belt and forms part of a wider allocation for residential development within the emerging South Tyneside Local Plan (allocation H3.59). This is to assist in accommodating the required growth in the area over the plan period and to ensure the area remains vibrant and viable for future generations.
- 5.4 National planning policy and guidance is clear that neighbourhood plans should be prepared in a positive manner and should be aspirational and deliverable. Where there are no up to date strategic policies in relation to housing (as is the case in this instance) it should seek to examine the most up to date evidence prepared by the Council in relation to emerging strategic policies and examine the emerging spatial strategy.
- 5.5 Our previous representations contained in **Appendix 1** of these representations show how the EBNP manifestly fails to do this. From examining the Consultation Statement (March 2021) prepared by the East Boldon Neighbourhood Forum (EBNF) and the Submission Draft of the EBNP our view

remains the same which is that rather than being positively prepared in line with the emerging strategic policies of the area, the EBNP instead contrives to contradict these in an attempt to effectively block sites such as Bellway Homes Limited's land interest from being developed. This is clear from an examination of the Submission Draft of the EBNP itself and its supporting evidence base. This is completely contradictory to the approach in national planning policy and guidance which outlines that neighbourhood plans should support local development and not promote less development. On this basis, the plan fails the Basic Conditions and would not fulfil the area's needs over the plan period or promote sustainable development.

5.6 It does this by continuing to seek to apply a number of constraints on the land including:

- Seeking to maintain the site's Green Belt designation;
- Categorising the site as Green Infrastructure;
- Expanding the Wildlife Corridor in the north of the site;
- Seeking to designate Local Greenspace on the land; and
- Seeking to put footpaths on the site in spite of the land being privately owned and the community not having permission to use the site.

5.7 Despite raising objections to these designations with justifiable reasons both in our representations to the Pre-submission draft and these representations to the Submission Draft, the EBNP has continued to seek to include these in the EBNP without sufficient evidence to justify them. Many are matters which are beyond the remit of the EBNP as they are items that need to be covered by strategic policies within the emerging South Tyneside Local Plan. As such, we strongly object to all of these designations on the land and instead the EBNP needs to acknowledge the proposed residential allocation on Bellway Homes Limited's land interest, rather than using the EBNP as a 'spoiling tactic' to prevent future housing growth in the area.

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- 5.8 Indeed, on matters relating to housing, the EBNP seeks to control the scale and overall pattern of development in the area and has produced flimsy evidence to seek to justify its approach which is for low growth and tightly drawn settlement boundaries (again, not positively prepared in nature). National planning policy is clear that these matters are strategic in nature and so should be covered by local plans rather than neighbourhood plans (indeed they are covered by the emerging South Tyneside Local Plan). As such, the housing strategy and accompanying policies in the EBNP (namely Policies EB2 and EB13) should be removed as they do not meet the Basic Conditions. Furthermore, the evidence that has been provided (namely the East Boldon Housing Needs Assessment) is clearly deficient in nature and does not stand up to scrutiny in anyway.
- 5.9 Instead, the EBNP must be based on the emerging strategic policies in South Tyneside (given the current development plan policies in relation to the supply of housing are out of date) and thus acknowledge the residential allocation on Bellway Home Limited's land interest.
- 5.10 In other key areas, the EBNP again seeks to provide strategic policies which are not in its remit (and will come through the emerging South Tyneside Local Plan). Where this is highlighted, these policies need deleting.
- 5.11 Despite clearly raising these issues at the Pre-Submission stage, our objections have not been adequately addressed or responded to (demonstrated in the responses from the EBNF in its Consultation Statement). Therefore, these objections still stand in relation to the Submission Draft of the EBNP.
- 5.12 Outside of this, many policies are deficient in that they lack the flexibility to be effectively applied on a site by site basis and to bear in mind matters such as viability and deliverability (where there is a lack of evidence and consultation with the development industry). In addition to this, the EBNP also seeks to use elements that sit outside of the development plan within its policies itself (for example the East Boldon Design Code). The effect of this is to give development plan weight to these documents. This contradicts national planning policy and so needs to be addressed ahead of the plan being



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submitted for Examination.

- 5.13 Again, these concerns and clear conflicts with national planning policy that were first highlighted in the representations submitted at the Pre-Submission stage (see **Appendix 1**) have been ignored by the EBNF and carried through to the Submission Draft. We therefore continue to object to the EBNP on this basis.
- 5.14 Taking all this together, it is abundantly clear that the Submission Draft of the EBNP which is intended to go to Examination is fundamentally flawed, does not meet the Basic Conditions and so cannot progress towards a 'made plan'. As such, large elements of it need to be removed and amended in order for it to become a robust plan which is positively prepared and can accommodate the required growth over the plan period.
- 5.15 We suggest at this stage that either the EBNF withdraws the EBNP to redraft it in a robust manner which does meet the Basic Conditions or that if it does proceed to examination, that the Examiner fully takes on board our objections and rejects the EBNP as a plan which rather than facilitating development, will instead frustrate it. We trust in this instance the Examiner would recognise that as a plan, the EBNP is based on flimsy evidence and which contradicts the emerging strategy for this area of the South Tyneside and which, if made, will result in unsustainable patterns of development. Thus, it should not be allowed to come forward as a 'made plan'.

**Appendix 1 – Copy of Representations Submitted at the Pre-Submission Stage**

# REPRESENTATIONS TO THE EAST BOLDON NEIGHBOURHOOD PLAN: PRE-SUBMISSION DRAFT (OCTOBER 2020)

**PREPARED ON BEHALF OF BELLWAY HOMES LIMITED**

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)  
PLANNING AND COMPULSORY PURCHASE ACT 2004**



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## 1.0 INTRODUCTION AND CONTEXT

- 1.1 These representations have been prepared on behalf of Bellway Homes Limited in relation to the Pre-Submission Draft of the East Boldon Neighbourhood Plan (EBNP) which has been prepared by the East Boldon Neighbourhood Forum (EBNF).
- 1.2 Bellway Homes Limited is a North-East based housebuilder which operates across the whole of the United Kingdom. They are committed to providing high quality and sustainable housing developments which seek to assist in the Government's aim to significantly boost the supply of housing in order to put in place 300,000 new homes per annum. In this regard Bellway Homes is recognised as providing high quality new homes through a 5 Star Housebuilder award by the Home Builder's Federation (HBF).
- 1.3 They are active across South Tyneside and have a proven track record in delivering sustainable developments which create a sense of place and a well-designed environment. They are therefore keen to ensure that the EBNP is prepared in a positive and robust way which enables sustainable development and growth to take place over the entire plan period and that is able to adapt to changes in the development industry and the economy more widely.

### ***Bellway Homes Limited's Land Interests***

- 1.4 Bellways Homes Limited's primary land interest within the East Boldon Neighbourhood Area (EBNA, approved in January 2018) is at North Farm and is outlined in the plan found in **Appendix 1** of these representations. Bellway Homes Limited has actively promoted this land through South Tyneside's plan-making process and within the latest draft of the South Tyneside Local Plan (Pre-Publication Draft, August 2019) it is proposed to release this site from the Green Belt and allocate it (along with the parcel to the west) for residential development (allocation H3.59).
- 1.5 The land interest and wider allocation will assist in the ongoing sustainable

growth of the Borough and will provide a deliverable housing site that will assist the Council in meeting its housing requirements over the plan period. It will provide a logical addition to the EBNA and ensure the area remains vibrant and successful into the future.

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## **2.0 POLICY AND LEGISLATIVE CONTEXT**

2.1 In order that the EBNP is able to progress towards the being a 'made' Neighbourhood Plan (and therefore come into force as part of the wider development plan), it will be necessary for it to meet the 'Basic Conditions' and a number of other legal requirements. National planning policy in the shape of the National Planning Policy Framework (NPPF, February 2019) in paragraph 37 and footnote 21 highlight that these are contained in Paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended). These are also replicated in the Planning Practice Guidance (PPG) which accompanies the NPPF and are:

- a) Having regard to national policies and advice contained in guidance issued by the Secretary of State.
- b) Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses. This however applies to Neighbourhood Development Orders only (and so is not applicable in this case).
- c) Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area. This however applies to Neighbourhood Development Orders only (and so is not applicable in this case).
- d) The making of the neighbourhood plan contributes to the achievement of sustainable development.
- e) The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority.
- f) The making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union obligations.

- g) Prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

2.2 The NPPF is also clear with regards to the overall scope of neighbourhood plans and distinguishes this from strategic policies which should be contained in local plans. Paragraph 20 lists matters relating to strategic policies as:

***"...an overall strategy for the pattern, scale and quality of development, and make sufficient provision for:***

***a) housing (including affordable housing), employment, retail, leisure and other commercial development;***

***b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);***

***c) community facilities (such as health, education and cultural infrastructure); and***

***d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation."***

2.3 In contrast, non-strategic policies (those which can be covered by neighbourhood plans) are outlined in paragraphs 28 – 30 of the NPPF and cover the following areas:

- Allocating sites (in accordance with strategic policies);



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- The provision of infrastructure and community facilities at a local level;
  - Establishing design principles;
  - Conserving and enhancing the natural and historic environment; and
  - Setting out other development management policies.

2.4 The fundamental principle of this being that that the strategic policies in local plans are developed with an evidence base that is then subject to a more rigorous examination process compared to that of neighbourhood plans and so it is imperative that the scope of the neighbourhood plan policies flows from the strategic policies rather than the neighbourhood plan addressing strategic policies itself.

2.5 It is against this background that we set out Bellway Homes Limited's comments on the EBNP in the next sections of this document.

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### **3.0 COMMENTS ON THE OVERALL APPROACH**

#### **Strategic Approach**

- 3.1 The introductory sections of the EBNP outlines the background of the plan and commentary on the area, including its history, population and facilities. The document also correctly identifies that the policies of the EBNP need to be consistent with the strategic policies of the development plan. This is outlined in footnote 16 of the NPPF.
- 3.2 In paragraph 1.6 the EBNP acknowledges that the current strategic policies comprise the South Tyneside Core Strategy (2007) and accompanying Site Specific Allocations (2012). The document goes on in paragraphs 1.7 and 1.8 to outline that these documents, alongside the emerging South Tyneside Local Plan have informed the EBNP.
- 3.3 As this is the case, Bellway Homes Limited notes that a document which is some 13 years old (the Core Strategy) being used to inform the EBNP is fundamentally flawed, as this clearly does not reflect the growth requirements of the EBNA or the wider Borough over the next 15 – 20 years, rather its strategy for growth is based on figures contained within the Regional Spatial Strategy (RSS) which no longer forms part of the development plan.
- 3.4 Furthermore, the EBNP has a stated plan period of up to 2036, whilst the Core Strategy only has a plan period up to 2021 (and so this document is nearly time-expired). The two documents are therefore misaligned and it is not explained how the EBNP can be based on the Core Strategy at all whilst also planning for some 15 years beyond its plan period. This point is fundamental as the NPPF requires that plans are positively prepared and be aspirational but deliverable (paragraph 16). This is echoed in the PPG specifically for neighbourhood plans (Reference ID: 41-005-20190509). This would not be possible to achieve if the strategic approach to the EBNP is rooted in an out of date document. This is emblematic of the approach of many of the policies of the EBNP (explored in the next section of this document) and means that the

plan, as drafted, does not meet the Basic Conditions and Bellway Homes Limited objects to the plan on this basis.

- 3.5 To rectify this, the EBNP needs to be based solely on the South Tyneside Local Plan and its emerging strategy (coming forward in tandem with this) to ensure its overall approach and strategy is up to date and covers the entire plan period. This will ensure that the EBNP remains an up to date and relevant plan once the South Tyneside Local Plan is adopted.

### **Vision and Objectives**

- 3.6 Section 2 of the document also highlights what the EBNF believes are the key issues which need to be addressed in the EBNA over the plan period. This then feeds into the plan's Vision and Objectives over the plan period.

- 3.7 Whilst the Vision is detailed in terms of setting out the way in which the EBNP seeks to address the identified issues, it is very much focussed on the needs of current local residents and community rather than also being forward facing and embracing growth by meeting the future needs of the area to ensure it retains its vitality and viability. This is perhaps symptomatic of the fact that the strategic approach does not reflect the future growth requirements of the Borough and the EBNA more specifically. The Vision should thus also include more references to housing growth to ensure the future success of the area and to underpin its sustainability over the plan period. Without this, the Vision does not encapsulate positive planning which is required through the NPPF and seeking to meet the area's future needs (paragraph 11 of the NPPF).

- 3.8 This then filters down to the EBNP's Objectives and although these are clearly articulated and makes reference to meeting the needs of the area over the plan period (Objective 1) and creating and maintaining a balanced sustainable community by providing a positive framework that recognises the different types of homes that all current and future residents of the neighbourhood plan area need (Objective 5), it does not explicitly promote housing growth in the area. However, it is noted that Objective 4 which covers Local Economy is much more definitive in wanting to create more employment opportunities. If this is

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the case, then such aspiration to create additional jobs will need to be accompanied by housing growth if sustainable patterns of development are to be provided.

- 3.9 As such, the Vision and Objectives need to be far bolder in promoting housing growth to enhance the area's sustainability and to ensure the EBNA remains viable and vibrant over the plan period.

### **Bellway Homes Limited's Land and Green Belt Matters**

- 3.10 As outlined in Section 1 of this document, Bellway's Homes Limited's land interest (see **Appendix 1**) is proposed to be released from the Green Belt and allocated for residential development (alongside the parcel to the west of Boker Lane) in the emerging South Tyneside Local Plan (allocation H3.59). The justification for the site's release from the Green Belt is contained within the evidence base that supports the emerging Local Plan. This includes a detailed Green Belt Review (Stages 1, 2 and 3, July – August 2019) and a wider Strategic Land Review (January 2018) which considers the designation within a wider planning context.
- 3.11 This is not acknowledged to any degree within the EBNP which instead seeks to maintain the site's Green Belt designation (see the accompanying EBNP proposals map). It seeks to justify this based on evidence predominantly provided in its Natural Environment Statement (October 2020) and Natural Environment Background Paper (October 2020). However this does not provide any detail or rationale to refute the conclusions of the Council's Green Belt Review rather it chooses to ignore its conclusions and the proposed residential allocation on the basis of "unresolved objections" even though in the absence of a development plan with an up to date strategy, the EBNP needs to have regards to the Council's emerging strategy and strategic policies. This is outlined in the PPG (Reference ID: 41-009-20190509).
- 3.12 When the evidence base does discuss the Green Belt this is done in an unstructured way with little reference to the purposes of Green Belt and instead inferring that the Green Belt is an environmental designation (conflating it with

greenspace and biodiversity) rather than its purpose as a planning designation. This is evident in the EBNF's attempt to persuade the Council to add a sixth purpose of the Green Belt as a 'Carbon Sink' (which would be contrary to the NPPF, paragraph 134) and underlines their fundamental misunderstanding of the function of Green Belt land and the fact that not all Green Belt land is of environmental value. This is certainly the case with Bellway's Homes Limited's land interest, hence its suitability to come forward for residential development.

- 3.13 The EBNP's evidence base in its Natural Environment Statement (October 2020) also references a requirement to use brownfield land prior to any greenfield sites. This again is a misinterpretation of the NPPF which encourages the use of brownfield land rather than requires it to be used ahead of greenfield land (paragraph 117).
- 3.14 As matters relating to Green Belt are for strategic policies as they influence the form and pattern of development in an area (see paragraph 20 of the NPPF), the EBNP should not be addressing these matters at all, rather should seek to align their approach to the emerging strategy in the South Tyneside Local Plan. This will ensure their plan can cover the needs of the area over the plan period.

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## **4.0 COMMENTS ON SPECIFIC POLICIES**

4.1 We comment on the specific policies of the plan below. Where applicable, we also cross refer to the relevant evidence base used to support the policy.

### **Policy EB1 – Sustainable Development**

4.2 Whilst the overall thrust of Policy EB1 is understood and refers back to the presumption in favour of sustainable development. It is important to highlight that the NPPF in paragraph 16 highlights that plans should avoid duplication of policies that apply to a particular area (including policies in the NPPF). As such, this policy is superfluous and needs to be deleted.

4.3 Notwithstanding this, Bellway Homes Limited do have a number of fundamental objections to this policy.

4.4 Firstly, the explanatory text surrounding the policy makes explicit reference to areas of flood risk and cross refers to the EBNF's Natural Environment Background Paper (October 2020) and Natural Environment Statement (October 2020). This seems to outline flood risk issues in relation to Bellway Homes Limited's land interests at North Farm. It should be noted however that the information from the Council's Strategic Flood Risk Assessment (SFRA, October 2018) and the Environment Agency's mapping shows only areas of flood risk at the far north of the site. The remaining elements are in Flood Zone 1 and so are capable of coming forward for development. As such, discounting the North Farm site in this way is unjustified as it is clear that the site can be developed whilst avoiding higher areas of flood risk. We therefore object to the EBNF's conclusions on this and as outlined in the Natural Environment Background Paper, matters relating to flood risk are adequately covered in the NPPF and PPG and so these should form the basis of assessing flood risk in relation to any sites. Part B of Policy EB1 should therefore be applied in accordance with national policy and guidance.

4.5 The policy in Part G requires proposals to 'accord' with the East Boldon Design

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Code (EBDC) and other relevant documents. However, the EBDC is not a development plan document itself and so to use such wording in this policy is not justified as it effectively makes the EBDC a development plan document without having to undertake the scrutiny of an examination (given the requirement to be consistent with it). Such documents should be used to explain policy rather than be policy themselves. We therefore object to this part of the policy and it needs to be removed.

- 4.6 Likewise in Part J, Policy EB1 requires new housing to meet the housing needs identified in the East Boldon Housing Needs Assessment (EBHNA, October 2020). Again, the EBHNA is not a development plan document and so using Policy EB1 to give it development plan status in this way is not appropriate. As a result of this, we object to this part of the policy and it needs to be removed. We provide further comments on the EBHNA later in these representations.

#### **Policy EB2 – General Location of New Development**

- 4.7 Bellway Homes Limited strongly objects to this policy as it is inconsistent with the NPPF (in planning positively for growth in paragraphs 11 and 16). The overarching goal of the EBNP is to actively plan for development over its plan period (up to 2036). By providing overly restrictive settlement boundaries, it is clear that the plan cannot achieve this.
- 4.8 Whilst settlement boundaries can be defined through the neighbourhood plan process, this needs to be tied to the area's strategic policy and it is therefore important that this is based on an up to date strategic approach which provides the growth required for the area over the plan period.
- 4.9 The approach in the EBNP does not follow this and instead it appears that settlement boundaries derive from very low growth requirements calculated through the EBHNA which we comment on below (see our response to Policy EB13). We believe this is not an appropriate way forward for planning for growth within the EBNA, as it is not the role of a neighbourhood plan to undertake such work, rather this is the remit of the Council's strategic policies within the emerging South Tyneside Local Plan (see the policy background in

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Section 2 of these representations).

4.10 Indeed, the emerging South Tyneside Local Plan correctly identifies that in order to promote the growth required in the EBNA, it is necessary to look beyond the scope of the existing built-up area and seek to release logical parcels of Green Belt land to allocate for housing to meet this growth. This is supported by the NPPF which in paragraph 72 states that growth can be achieved through extensions to existing villages and towns.

4.11 In contrast, the EBNF's Settlement Boundary Background Paper (October 2020) takes a rather arbitrary view on settlement boundaries and despite referencing evidence such as the emerging South Tyneside Local Plan and its evidence base, it then simply concludes that Bellway Homes Limited's land interest at North Farm is not considered suitable for including in the settlement boundary. This is completely contrary to the assessments and conclusions drawn by the Council from its evidence base and is not substantiated in any way rather it simply states that the site:

***"Acts as an important green gap between Boldon and South Shields. Development of the site would result in the loss of separation along Boker Lane, effectively merging East and West Boldon. The site is rich in wildlife and forms an important part of a wildlife corridor and is also at risk from flooding."***

4.12 We would dispute this conclusion given that the land would clearly be a logical infill between two existing forms of built development to the west and east of the site and so would not represent urban sprawl in any way and would be contained by defensible boundaries. The notion that the land would result in a merging of West Boldon and East Boldon is again unsubstantiated and it is worth pointing out that the site would be contained by road infrastructure and that a degree of merging of West Boldon and East Boldon has already taken place to the south of Bellway Homes Limited's site.

4.13 Notions of flood risk and wildlife corridor fail to mention that these affect the far north of the site and so would not hinder the wider site coming forward



(with appropriate mitigation).

- 4.14 As such we believe that Policy EB2 is entirely unjustified and requires deletion.

### **Policy EB3 – Design**

- 4.15 Whilst Bellway Homes Limited recognises the need to promote good design, this needs to be informed by an understanding of each site's specific opportunities and constraints. Our objection to this policy is that there is an explicit link to the EBDC which under this policy, all development proposals must accord with.
- 4.16 As outlined in our comments on Policy EB1, the effect of this is to give development plan weight to the EBDC when it is not a development plan document. This approach contradicts the NPPF (Annex 2) which notes that such documents, should explain planning policy rather than form part of planning policy. As such, references to the EBDC must be removed from the policy.
- 4.17 Notwithstanding this, the EBDC itself is overly prescriptive in nature. This creates a rigid design response which seeks to impose styles and standards on the area which has no regard to site specific constraints and does not allow change. This contradicts the approach in paragraph 127 of the NPPF. We also do not believe a design code for such a large area is the appropriate mechanism for securing design principles as design codes are more suited to specific sites/developments. The EBDC also contains matters relating to energy efficiency and climate change which, as outlined in paragraph 20 of the NPPF, are matters which are to be addressed through strategic policies in the emerging South Tyneside Local Plan. The measures outlined in the EBDC also need to be tested in relation to viability (taking into account the implications of other policies). Currently we cannot see any evidence to test this and as such, the EBDC cannot be justified and references to it should thus be deleted.

#### **Policy EB4 – Heritage Assets**

- 4.18 The NPPF outlines that matters relating to heritage can be contained in both strategic and non-strategic policies (see paragraphs 20 and 28). The form of Policy EB4 however appears to be more strategic in nature in that it seeks to add to the list of non-designated heritage assets in the area (contained in the East Boldon Community Character Statement August 2019 referred to in the policy). This is matter which is beyond the remit of the EBNP and in doing so, also seeks to give development plan weight to a document which sits outside the plan (which is inconsistent with the NPPF). As a result of this, Policy EB4 needs to be substantially modified so that it simply refers to assessing the impact on heritage assets in accordance with national planning policy and guidance rather than referring to the East Boldon Community Character Statement (August 2019).

#### **Policy EB5 – Green and Blue Infrastructure**

- 4.19 Bellway Homes Limited strongly objects to this policy. Paragraph 20 of the NPPF is clear that matters relating to Green Infrastructure are covered by strategic policies and so are beyond the remit of neighbourhood plans (which cover non-strategic policies). Instead they should be covered by local plans. This is also made clear in the PPG which states:

***"Strategic policies can identify the location of existing and proposed green infrastructure networks and set out appropriate policies for their protection and enhancement. To inform these, and support their implementation, green infrastructure frameworks or strategies prepared at a district-wide scale (or wider) can be a useful tool."***  
(Reference ID: 8-007-20190721).

- 4.20 As such, this policy and its associated designations need to be deleted from the EBNP. This approach is evident when examining the emerging South Tyneside Local Plan which has its own section on Green Infrastructure and identifies its own Green Infrastructure Corridors on its proposals map. This approach is completely at odds with the EBNP and the EBNP completely

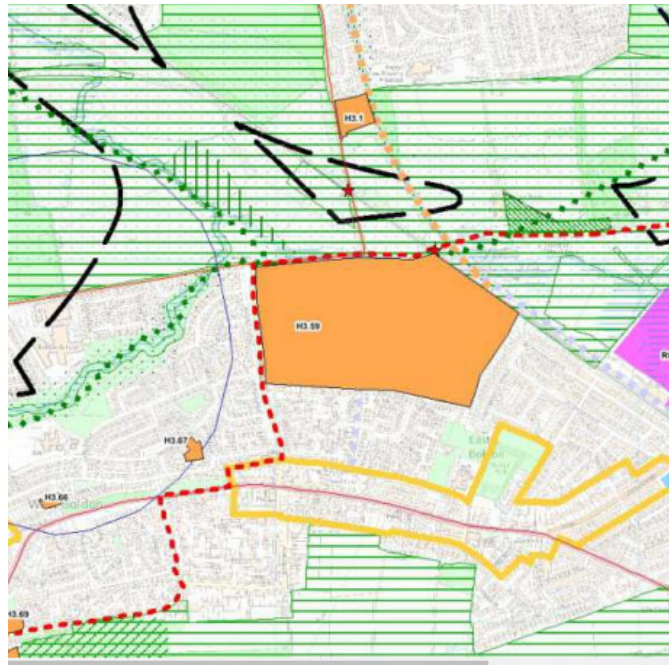
conflicts with the approach to Green Infrastructure in the emerging South Tyneside Local Plan. This further underlines the fact that this matter is strategic in nature and should not be covered by the EBNP.

4.21 The EBNP identifies Bellway Homes Limited's land interest as a whole as forming Green Infrastructure. It should be emphasised that this is privately owned land and has never been formally identified as Green Infrastructure previously. The EBNP makes it clear that it has used both the emerging development plan and the adopted Green Infrastructure Strategy Supplementary Planning Document (SPD) (February 2013) to inform its approach to Green Infrastructure, however neither show Bellway Homes Limited's land as Green Infrastructure and so there does not appear to be any justification or evidence for its inclusion. Indeed even examining the EBNP's own evidence base, it is unclear as to why Bellway Homes Limited's land interest is included and there is no information provided which would ordinarily be present to set out the rationale for providing additional Green Infrastructure (such as the aforementioned Green Infrastructure Frameworks or Strategies, which in any event should be district wide in scale). This further underlines the fact that the policy fails the Basic Conditions and needs to be deleted.

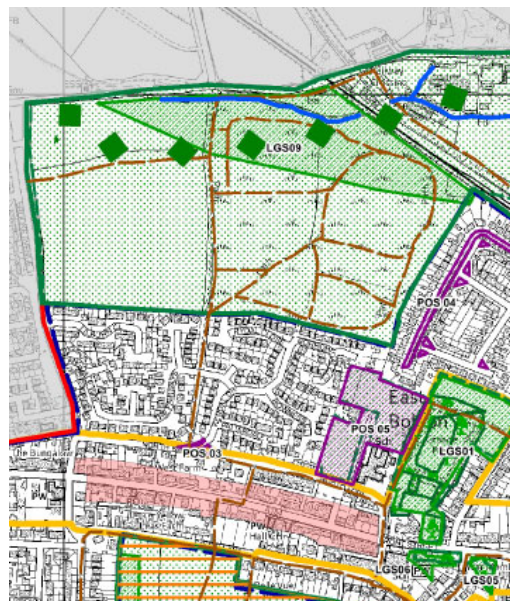
4.22 It is also noted that a Wildlife Corridor is included to the north of Bellway Homes Limited's land interest. We again object to this as shown on the EBNP's proposals map as its alignment is not consistent with that shown within the development plan and other planning policy documents. For comparison the alignment of the Wildlife Corridors are shown below in Figures 4.1 and 4.2:

***Figure 4.1 – Wildlife Corridor as shown in the Green Infrastructure SPD (February 2013) and emerging South Tyneside Local Plan (Green Diamonds)***





**Figure 4.2 – Wildlife Corridor as shown on the EBNP Proposals Map (Green Diamonds)**



4.23 The Wildlife Corridor on the EBNP proposals map therefore needs amending in line with this (given that again there is no evidence to support a change in its

alignment, which in any event would need to be covered by strategic policies). We note that Policy EB5 in Part M seeks to ensure that new development does not fragment Wildlife Corridors. On the basis that the Wildlife Corridor is outlined correctly, then it is possible to accommodate development on Bellway Homes Limited's land without undermining the Wildlife Corridor.

- 4.24 We note that a portion of Bellway Homes Limited's land interest is also proposed to be designated as Local Green Space. We address this matter in Policy EB17 below.

#### **Policy EB6 – Landscape**

- 4.25 Paragraph 20 of the NPPF is specific about matters of landscape being covered by strategic policies. As the EBNP is to cover non-strategic policies it should not cover matters relating to landscape. On this basis alone, this policy should be deleted.

- 4.26 The policy wording also makes explicit reference to the EBDC and South Tyneside Landscape Character Study, both of which are not development plan documents and so should not be referenced within the policy as this effectively gives them development plan weight and is contrary to the NPPF. We raise specific matters relating to the EBDC in response to Policy EB3 above.

- 4.27 The text of the policy also references mature hedgerows and established trees. We note that in relation to Bellway Homes Limited's land interest, a 'Mature Hawthorn Copse' has been identified on the site. It is unclear as to how this has been defined, how the EBNF has accessed the land (as this would constitute trespassing) and whether the relevant surveys have been undertaken to support this identification. We cannot see any evidence for its inclusion and so references to this need to be removed.

#### **Policy EB7 – Biodiversity**

- 4.28 In a similar manner to our comments on Policy EB6 above, the overall approach

to Policy EB7 is broad and strategic in nature. It is therefore a strategic policy which should be contained within the emerging South Tyneside Local Plan and not within the EBNP. Indeed, the emerging South Tyneside Local Plan proposes such a policy (Policy NE2). On this basis, this policy should be deleted.

- 4.29 We have already commented on the incorrect identification of the Wildlife Corridor in the north of Bellway Homes Limited's land interest (see our response to Policy EB6 above). It is imperative that this is rectified. We also note that within the EBNP's evidence base, namely the Natural Environment Background Paper (October 2020) and Natural Environment Statement (October 2020) the EBNP seems to infer that Bellway Homes Limited's land interest has a higher ecological value. This appears solely based on an email from the RSPB which does not back up the claims that the site is of a higher ecological value, rather the response seems to infer that development on the site would need to address the policies of the NPPF and does not constitute a detailed ecological survey which would be needed to ascertain the site's ecological value. We therefore object to the EBNP's claims regarding the ecological value of the site and this needs to be removed from the evidence base as they are unjustified. This again further underlines that the policy should be deleted.

#### **Policy EB8 - Protecting Trees and Woodland**

- 4.30 In a similar manner to our comments on Policy EB7 above, this policy is strategic in nature (see paragraph 20 of the NPPF) and so should be included within the emerging South Tyneside Local Plan (indeed this is covered by Policy D2). As the EBNP is to cover non-strategic policies, this policy needs to be deleted.
- 4.31 As outlined in our response to Policy EB6, we note that in relation to Bellway Homes Limited's land interest, a 'Mature Hawthorn Copse' has been identified on the site. It is unclear as to how this has been defined (without trespassing on private land) and whether the relevant surveys have been undertaken to support this identification. We cannot see any evidence for its inclusion and so references to this need to be removed.

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### Policy EB13 – The Delivery of New Housing

4.32 Bellway Homes Limited fundamentally objects to this policy, the principle upon which it is based and its inclusion in the EBNP. The supporting text to the policy highlights that the approach to Policy EB13 has been informed by the East Boldon Housing Needs Assessment (EBHNA, May 2019) undertaken by AECOM. This arrives at a housing need figure over the plan period of 146 dwellings (12 dwellings per annum).

4.33 Paragraph 20 of the NPPF is clear that matters relating to the quantum of housing in an area and overall scale and pattern of development should be covered by strategic policies set out in a local plan and not within non-strategic policies such as those within a neighbourhood plan. To do so is wholly irrational and does not meet the Basic Conditions. This is explained further within the PPG which states:

***"Strategic policies should set out a housing requirement figure for designated neighbourhood areas from their overall housing requirement. Where this is not possible the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body, which will need to be tested at the neighbourhood plan examination. Neighbourhood plans should consider providing indicative delivery timetables, and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new local plan."*** (Reference ID: 41-009-20190509).

4.34 This is also outlined in paragraph 65 of the NPPF. The PPG is also specific in instances where a neighbourhood plans are being prepared ahead of local plans by stating:

***"A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. Although a draft neighbourhood plan or***



***Order is not tested against the policies in an emerging local plan the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing need evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development.*** (Reference ID: 41-009-20190509).

- 4.35 Whilst the PPG does mention that in exceptional instances where a local planning authority cannot apportion a figure to a neighbourhood area, a neighbourhood area can determine its own figure (also referenced in paragraph 66 of the NPPF). However, there is no evidence provided that the Council in this instance could not provide a figure for the EBNA or that the EBNF requested this and was turned down by the Council. Given that there is a housing needs figure provided through the emerging South Tyneside Local Plan, we would be surprised if the Council would not have been able to apportion a figure.
- 4.36 Even if this were the case, in setting a figure the EBNF would have to have regard to the emerging spatial strategy, which it manifestly does not (see Reference ID: 41-105-20190509 in the PPG).
- 4.37 In the case of the EBNP, this process has clearly not been followed and so the housing strategy put forward in the plan (and the accompanying approach to settlement boundaries in Policy EB2) is deeply flawed, does not meet the basic conditions and should thus be removed and redrafted so that it is consistent with the NPPF and PPG.
- 4.38 Notwithstanding this, the EBHNA itself addresses the matter of housing need inadequately in that intends to adapt the standard method outlined in the PPG to the EBNA, when it is specifically designed to determine housing at a local authority level. This is evident by the fact that AECOM have had to calculate the Borough-wide figure for South Tyneside and then seek to apportion it to the population of the EBNA (which can only be done approximately). The inherent flaw in this is that all the inputs which feed into the figure are borough-based and not locally based (eg. the affordability ratio) which means getting

to an accurate housing needs figure is simply not possible and the figure arrived at is deeply flawed. The approach is further undermined by ignoring the emerging spatial strategy within the South Tyneside Local Plan when examining the housing need figure and (even though it is meant to cover the same plan period) and through a lack of commentary on whether a further uplift is required given that the PPG is clear that the standard method figure is a minimum 'starting point' (Reference ID: 2a-010-20190220). The EBHNA itself appears to doubt the veracity of its work and it notes in the text box after paragraph 28 that the EBNF should verify the figure with the Council. This does not appear to have been done.

4.39 Given the defects in the EBHNA of identifying the quantum of housing within the EBNA, it should be disregarded entirely as a robust piece of evidence.

4.40 The EBNP itself provides no housing allocations instead relying on windfall sites to come forward within the area's tightly drawn settlement boundary. No testing has been undertaken to establish if there is capacity within the settlement boundary to accommodate the required growth and it is not explained within the EBNP or its evidence base how this constitutes a positively prepared plan (according to paragraph 16 of the NPPF and Neighbourhood Planning section of the PPG) and the potential effects on neighbouring areas. We would again maintain that this demonstrates that the entire housing strategy and accompanying policies in the plan (namely Policy EB2 and EB13) do not meet the Basic Conditions and therefore need to be deleted.

4.41 We also object to the policy text itself and provide specific commentary on this in the Table 4.1 below:

**Table 4.1 – Commentary on Policy EB13**

Policy Text	Commentary
The delivery of new market and affordable housing will be supported where it is located within the settlement boundary on	As outlined in our response to Policy EB2 and our response elsewhere to Policy EB13, this approach, which relies on a low

<p>sites that are not allocated for other uses and where it complies with the relevant policies within the development plan.</p>	<p>housing growth figure (which is not robustly prepared) and a tightly drawn settlement boundary, is fundamentally flawed and we strongly object to this element of the policy. It is not positively prepared (as required by national planning policy and guidance) and will not assist in meeting the needs of the area over the plan period. Instead the approach should seek to tie in with the emerging South Tyneside Local Plan which is more positively prepared and acknowledges the growth requirements of the area over the plan period and thus allocates land accordingly.</p> <p>The element of the policy which also seeks to effectively block other uses coming forward on an allocated site conflicts with national planning policy and planning legislation. This is clear that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The approach in this element of the policy ignores the point about material considerations which is a crucial part of the English planning system. Given this conflict, this part of the policy should be removed.</p>
<p>New dwellings must be built in accordance with the Nationally Described Space Standards or equivalent successor standards.</p>	<p>We object to this element of the policy. This is clearly a matter which should be addressed as part of the strategic policies contained within the emerging South Tyneside Local Plan and not the EBNP (see paragraph 20 of the NPPF and the PPG</p>

	<p>Reference ID: 56-020-20150327). This requirement should therefore be removed. It is noted that the current draft of the Local Plan does not include this standard.</p> <p>Furthermore, there is no evidence to support the imposition of Nationally Described Space Standards in terms of the requirements set out in the PPG in relation to need, viability and timing (Reference ID: 56-020-20150327). As such, this policy requirement is not justified and further reinforces its case for deletion.</p>
<p>All new development proposals for the delivery of ten or more residential dwellings or on sites of 0.5 hectares or more must be informed by a comprehensive masterplan to be prepared in consultation with the East Boldon Neighbourhood Forum and the local community.</p>	<p>The requirement for a masterplan approach to development would need to be determined on a site by site basis as some development land may simply not require such detail if a full planning application is to be submitted and there is no phasing involved. We therefore object to this requirement.</p> <p>The policy is also unclear on the role of the EBNF in the masterplan process. As the local planning authority, it will be the Council to who should be responsible for assessing and approving the masterplan. This should be in conjunction with the developer who will ultimately be delivering the proposals.</p> <p>We would therefore request that the requirement for a masterplan is more flexible and it is made clear that it would be for the Council to assess and approve in consultation with the developer bringing forward the site.</p>

<p>Requirements of the masterplan (this based on a number of criteria).</p>	<p>As a general comment many of the criteria may not be applicable to all sites and so this part of the policy should be caveated accordingly.</p> <p>Some of the policy criteria which relate to housing mix (Part B), Parking Provision (Part G), Highway Impact (Part H), Flooding (Part K) and Biodiversity (Part L) would require specific details to be provided which would be more appropriately provided at the detailed planning application stage rather than the masterplan stage. As such these criteria need to be removed from the policy.</p> <p>We also object to other criteria such as the requirement to be in accordance with the EBDC. We object to this document anyway (see our response to Policy EB3) and it should not be referred to in the policy text of EB13 as it is not a development plan document and should not be given such weight through this policy. This reference needs to be removed.</p> <p>We would also seek removal of the need to comply with 'Building for a Healthy Life' for the same reasons. We do not regard this as a nationally recognised document and so this criterion should be removed.</p>
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4.42 In summary, we have fundamental objections to Policy EB13 and believe it is based on a flawed housing strategy and so should be removed entirely. Even putting these fundamental issues aside, the policy text contains a number of requirements and criteria which are either inflexible, lack evidence or

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contradict national planning policy and guidance. As such, these elements of the policy need to be removed.

#### **EB14 – Housing Mix**

- 4.43 Whilst the EBNP provides its own evidence of housing mix to inform new developments in the area, the PPG is clear in these cases that this needs to be informed by the evidence prepared to support relevant strategic policies (Reference ID: 41-103-20190509). Given that we understand that the Council is currently in the process of updating its Strategic Housing Market Assessment (SHMA), then this policy will need to be amended to take into account this more up to date evidence and be led by this rather than the EBHNA.
- 4.44 The EBHNA itself draws a number of conclusions in relation to housing mix. Firstly, it seeks predominantly to provide 2 bedroom properties (42%) with a lower proportion of 3 bedroom properties (32%). 1 bedroom properties are to be 26% of the mix, whilst 4 bedroom properties are 0%. We strongly object to this mix as this will also need to be informed by market factors and elements such as viability and the effect such a mix will have on deliverability of sites (including the house types such as bungalows). There is no mention of this at all within the EBHNA and so its conclusions do not tell the whole story (for instance they do not appear to have engaged with house builders in the area to seek their views). Therefore to rely on this to set a housing mix is not robust and we would seek that additional evidence is provided which would paint a fuller picture and is based on evidence which can be tested and scrutinised at a local plan examination (hence this should be led by the updated SHMA not the EBHNA). As such we object to the policy as it is based on insufficient evidence.
- 4.45 Any policy that is formulated will need to also be flexibly applied as it will need to be adaptable to all types of housing sites which may be aimed at different markets. As such, references to the EBHNA or the Council's evidence in the policy text itself should be deleted and such flexibility applied.

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### **Policy EB15 – Affordable Housing**

- 4.46 The NPPF in paragraph 20 is clear that affordable housing is to be set by strategic policies rather than non-strategic policies. As such, this matter should not be covered by the EBNP and so this policy needs to be deleted.
- 4.47 Notwithstanding this, any policy which is put forward would need to ensure that it complies with the emerging strategic policies (in terms of housing mix, tenure and quantum of affordable housing) and have regard to the NPPF's definition of affordable housing (contained in the Annex 2) and its requirements for affordable housing ownership (a minimum of 10%, paragraph 62). This is not referenced at all within the policy. This needs to replace references to the EBHNA and the Council's evidence base. This provides a more robust footing to the policy.

### **Policy EB17 - Local Greenspace**

- 4.48 The EBNP proposes to allocate a number of Local Greenspaces with Bellway Homes Limited's land interest being covered in part by proposed Local Greenspace LGS09. We strongly object to this proposed designation and the EBNP's aim to apply this to land which is privately owned and where the owner of the land has not been notified previously of this intention. On this basis alone, the designation is not justified and should be removed given that the PPG is clear that when it comes to private land, contact should be made with the landowners at an early stage in the plan making process when intending to designate Local Greenspace (Reference ID: 37-019-20140306). This has not happened in this case and so the designation fails on this basis
- 4.49 The ability for neighbourhood plans to designate Local Greenspace is covered by paragraph 100 of the NPPF. This outlines that these should only be designated in the following instances:

- In reasonably close proximity to the community it serves;

- Demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- Local in character and is not an extensive tract of land.

4.50 The PPG provides further guidance on the designation of Local Greenspace in that it will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making (Reference ID: 37-007-20140306).

4.51 The EBNF has undertaken a Local Greenspace and Protected Open Space Background Paper (October 2020) which seeks to justify the designation of Local Greenspace on the site. We dispute many of the findings within this document.

4.52 It is clear that Local Greenspace designations are not meant to undermine plan-making. In this instance Bellway Homes Limited's site is proposed to be removed from the Green Belt and allocated for housing in the emerging South Tyneside Local plan, yet this matter is conveniently overlooked by the Background Paper which simply believes the allocation is subject to "unresolved objections" (which it believes provides the evidence to allow a proposed Local Greenspace designation). This is untrue given that the evidence base to support the allocation does not raise any fundamental objections (hence its proposed allocation). The Background Paper also references the accessibility of the land to the local community and its use for dog walking. It should be emphasised that this is private land and people who are currently using it are illegally trespassing on private land. As such, these points can be discounted.

4.53 The Background Paper also mentions the ecological value of the land but this is only evidenced by anecdotal points and not a full ecological survey. It should



be noted that the Wildlife Corridor runs adjacent to the road in the far north of the site (not as shown on the EBNP proposals map) and so only forms a small part of the Local Greenspace designation and itself cannot provide the justification for the designation. Other comments such as the site's 'beauty' are subjective in nature and have not be verified by any assessment and so can also be discounted.

- 4.54 The area subject to the proposed designation is also vast in size and it is worth noting that both the NPPF and PPG seek to resist the setting of vast tracts of Local Greenspace. In fact, the PPG goes further in stating:

***"...Local Green Space designation should only be used where the green area concerned is not an extensive tract of land. Consequently blanket designation of open countryside adjacent to settlements will not be appropriate. In particular, designation should not be proposed as a 'back door' way to try to achieve what would amount to a new area of Green Belt by another name."*** (Reference ID: 37-015-20140306)

- 4.55 Our view is that given the proposed housing allocation on the land put forward in the emerging South Tyneside Local Plan (which we know that the EBNF object to) that the proposed Local Greenspace is a blanket designation as described by the PPG and on this basis needs to be removed from the EBNP. This includes reference to a 'Mature Hawthorn Copse' on the site. Again, this has been added without any evidence to substantiate its value and condition and should therefore be removed.

- 4.56 For the reasons set out above the proposed designation does not meet the tests in paragraph 100 of the NPPF and if brought forward would undermine plan-making in terms of the emerging South Tyneside Local Plan and the proposed housing allocation on the land. As such, there is no justification for Local Greenspace LGS09 and it needs to be removed from the EBNP.

- 4.57 It should also be highlighted that Local Greenspace designations should also include plans for their management. The PPG highlights that

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***"Management of land designated as Local Green Space will remain the responsibility of its owner. If the features that make a green area special and locally significant are to be conserved, how it will be managed in the future is likely to be an important consideration. Local communities can consider how, with the landowner's agreement, they might be able to get involved, perhaps in partnership with interested organisations that can provide advice or resources."*** (Reference ID: 37-021-20140306).

- 4.58 Given that the Local Greenspace in this instance is being brought forward against the wishes of the landowner, even in the event that it were designated, it would not be able to be managed effectively and so again its proposed designation fails on this basis and this further reinforces the point that the LGS09 designation is not robust and cannot progress.

#### **Policy EB19 – Infrastructure**

- 4.59 Paragraph 20 of the NPPF is clear that infrastructure as described in Policy EB19 is a matter for strategic policies to be covered in local plans. This allows the relevant evidence to be provided to support the approach including a detailed Infrastructure Delivery Plan (IDP) and the necessary plan-viability work to demonstrate that infrastructure will not undermine the viability of development (taking into account other policy requirements). These can then be fully scrutinised at a subsequent local plan examination.
- 4.60 For these reasons, this policy should therefore not be included in the EBNP (which is to cover non-strategic policies) and should subsequently be deleted.

#### **Policy EB20 – Sustainable Transport and New Development**

- 4.61 Whilst Bellway Homes Limited agrees with the notion of promoting sustainable transport, matters relating to transport should form part of a development plan's strategic policies (as they apply on a Borough-wide basis). This is outlined in paragraph 20 of the NPPF. As such, these issues are for the

emerging South Tyneside Local Plan and should not be included in the EBNP.

4.62 Those parts of the policy which are non-strategic in nature, lack sufficient flexibility in order to be consistent with paragraph 11 of the NPPF. For instance, providing the required pedestrian and cycle routes (Part C) may not be feasible for all sites and likewise it may be beyond the control of the developer to ensure that existing or new public transport services can accommodate development proposals given that public transport is operated by private companies who would need to agree this (Part D). The policy also references the EBDC (Part B), which consistent with points raised previously, is not a development plan document and so should not be referenced in the policy, as to do so would give the document development plan weight. This is inconsistent with the NPPF. References to car parking standards are also superfluous as there are other policies which cover these (Part F).

4.63 This policy also needs to have cognisance of the ongoing highways proposals in relation to the proposed Boldon and Tilesheds Level Crossings (BTLC). Bellway Homes Limited is responding to this Council consultation separately.

#### **Policy EB22 – Cycle Storage and Parking**

4.64 Making provision for cycle storage and parking should be informed by evidence of the need to accommodate such spaces as outlined in the PPG (Reference ID: 54-006-20141010). Whilst there is a Transport Background Paper (October 2020) provided to support the EBNP, this does not provide detailed evidence in relation to the need to incorporate cycle parking and storage as outlined in this policy. This should also take into account viability implications of these requirements (and the impact of other policy requirements). We would argue in any instance that such a policy is strategic nature and so is best covered by the emerging South Tyneside Local Plan rather than in the EBNP.

#### **Policy EB23 – Residential Parking Standards**

4.65 The policy seeks to provide minimum car parking standards and whilst these

appear logical in nature, flexibility needs to be allowed in instances where there are better public transport links or other effective measures to promote sustainable transport.

4.66 Likewise, whilst the approach to minimum garage sizes appears logical (6m x 3m for a single garage and 6m x 5.7m for a double garage), smaller garage sizes should be permitted providing they are not be relied upon as parking spaces.

4.67 For both of these matters, the implications on viability need to be well understood. Currently there does not appear to be viability information to justify the approach in Policy EB23 and our Client objects to the policy on this basis. Indeed in accordance with paragraph 20 of the NPPF, this is a strategic policy and as such, should be included within the emerging South Tyneside Local Plan rather than the EBNP.

#### **Policy EB25 – Active Travel Routes**

4.68 This policy seeks to define 'Active travel routes' in the EBNA. This includes the provision of footpaths across Bellway Homes Limited's land interest (North Farm). We strongly object to these footpaths as these do not appear to be based on any robust evidence and does not effective link to any nearby area and so its benefit on this basis is negligible.

4.69 The designation is also incompatible with the land's emerging allocation as a residential site in the South Tyneside Local Plan and such routes are not featured on the site within the local plan.

4.70 It should also be pointed out that this is private land and so the use of the land as 'active travel routes' represents trespassing that is illegal and does not have permission from the landowner for this right of way. The policy itself is also entirely inflexible in seeking to protect routes which have no formal status. This has no basis in planning law and is unjustified in its approach.

4.71 On this basis these paths must be deleted and not form part of the EBNP.

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## 5.0 SUMMARY AND CONCLUSIONS

- 5.1 These representations to the Pre-Submission Draft of East Boldon Neighbourhood Plan (EBNP) have been prepared on behalf of Bellway Homes Limited. Bellway Homes is a national housebuilder with a land interest in the area (see **Appendix 1** of this letter). They have an excellent track record of delivering sustainable housing locally and are therefore keen to be involved in the ongoing evolution of the EBNP to ensure it is a robust document which meets the 'Basic Conditions' and which allows the area to benefit from future growth. This future growth is necessary to ensure the area remains a thriving and viable place over the next 15 – 20 years.
- 5.2 Bellway Homes Limited's land interest at North Farm is proposed to be released from the Green Belt and forms part of a wider allocation for residential development within the emerging South Tyneside Local Plan (allocation H3.59). This is to assist in accommodating the required growth in the area over the plan period and to ensure the area remains vibrant and viable for future generations.
- 5.3 National planning policy and guidance is clear that neighbourhood plans should be prepared in a positive manner and should be aspirational and deliverable. Where there are no up to date strategic policies in relation to housing (as is the case in this instance) it should seek to examine the most up to date evidence prepared by the Council in relation to emerging strategic policies and examine the emerging spatial strategy.
- 5.4 The EBNP fails to do this and Bellway Homes Limited objects to the EBNP as a result of this. Rather than being positively prepared in line with the emerging strategic policies of the area, it instead contrives to contradict these in an attempt to effectively block sites such as Bellway Homes Limited's land interest from being developed. This is clear from an examination of the EBNP's supporting evidence base. This is completely contradictory to the approach in national planning and guidance which outlines that neighbourhood plans should support local development and not promote less development. On this basis, the plan fails the Basic Conditions and would not fulfil the area's need over the

plan period.

5.5 It attempts to do this by applying a number of constraints on the land including:

- Seeking to maintain the site's Green Belt designation;
- Categorising the site as Green Infrastructure;
- Expanding the Wildlife Corridor in the north of the site;
- Seeking to designate Local Greenspace on the land; and
- Seeking to put footpaths on the site in spite of the land being privately owned and the community not having permission to use the site.

5.6 These proposed designations have been put forward without sufficient evidence to justify them and many are matters which are beyond the remit of the EBNP as they are items that need to be covered by strategic policies within the emerging South Tyneside Local Plan. As such, we strongly object to all of these designations on the land and instead the EBNP needs to acknowledge the proposed residential allocation on Bellway Homes Limited's land interest, rather than using the EBNP as a 'spoiling tactic' to prevent future housing growth in the area.

5.7 Indeed, on matters relating to housing, the EBNP seeks to control the scale and overall pattern of development in the area and has produced flimsy evidence to seek to justify its approach which is for low growth and tightly drawn settlement boundaries (again, not positively prepared in nature). National planning policy is clear that these matters are strategic in nature and so should be covered by local plans rather than neighbourhood plans (indeed they are covered by the emerging South Tyneside Local Plan). As such, the housing strategy and accompanying policies in the EBNP should be removed

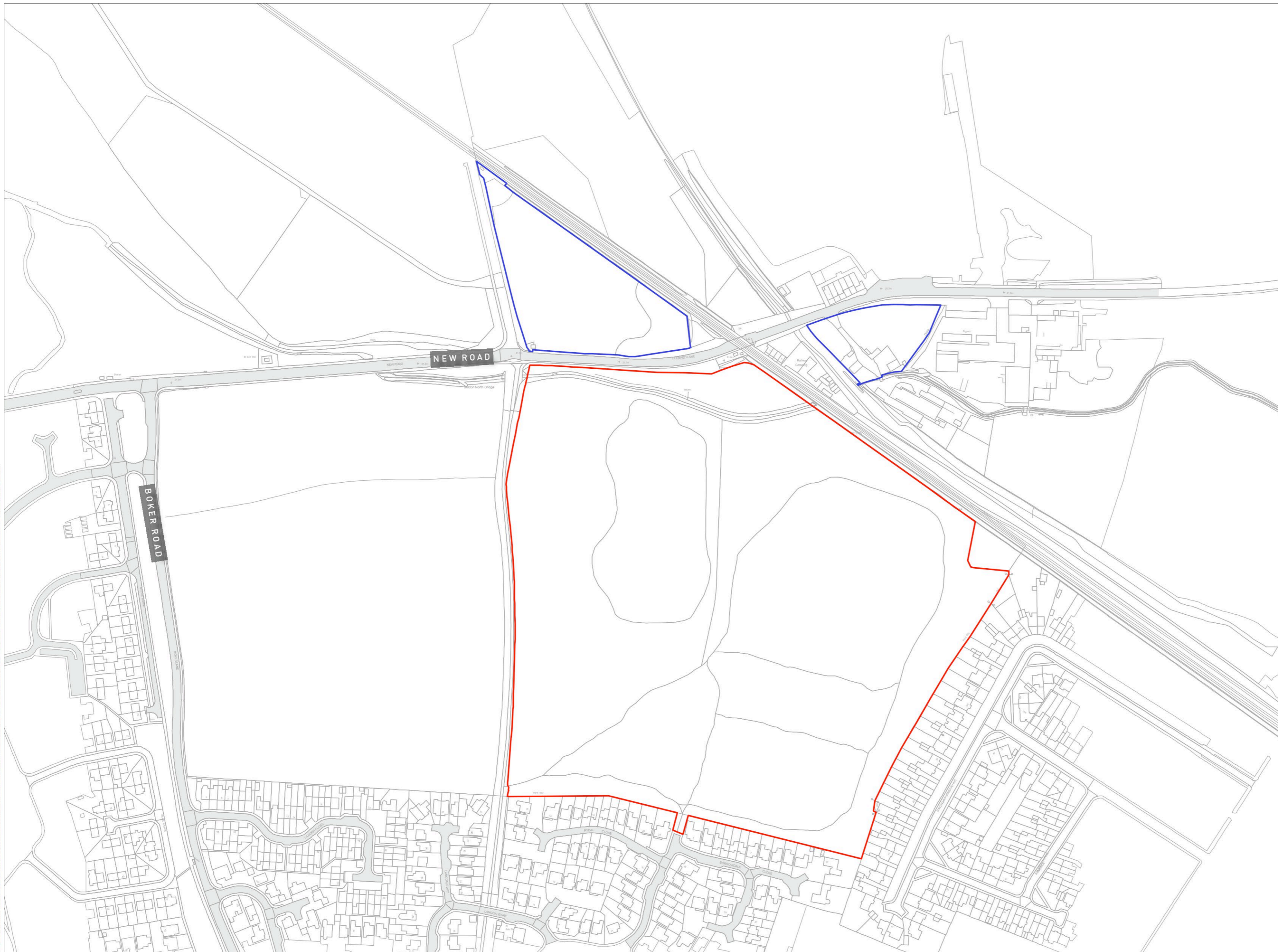
as they do not meet the Basic Conditions. Furthermore, the evidence that has been provided (namely the East Boldon Housing Needs Assessment) is clearly deficient in nature and does not stand up to scrutiny in anyway.

- 5.8 Instead the EBNP must be based on the emerging strategic policies in South Tyneside (given the current development plan policies in relation to housing are out of date) and thus acknowledge the residential allocation on Bellway Home Limited's land interest.
- 5.9 In other key areas, the EBNP again seeks to provide strategic policies which are not in its remit (and will come through the emerging South Tyneside Local Plan). Where this is highlighted, these policies need deleting.
- 5.10 Outside of this, many policies are deficient in that they lack the flexibility to be effectively applied on a site by site basis and to bear in mind matters such as viability and deliverability (where there is a lack of evidence and consultation with the development industry). In addition to this, the EBNP also seeks to use elements that sit outside of the development plan within its policies itself (for example the East Boldon Design Code). The effect of this is to give development plan weight to these documents. This contradicts national planning policy and so needs to be addressed through subsequent drafts of the EBNP.
- 5.11 Taking all this together, it is abundantly clear that the EBNP is fundamentally flawed, does not meet the Basic Conditions and so cannot progress towards a 'made plan'. As such, large elements of it need to be removed and amended in order for it to become a robust plan which is positively prepared and can accommodate the required growth over the plan period.
- 5.12 We trust our comments will be noted as the EBNP progresses. We would be happy to discuss any of the issues raised further with you so that the document can progress on a robust footing.



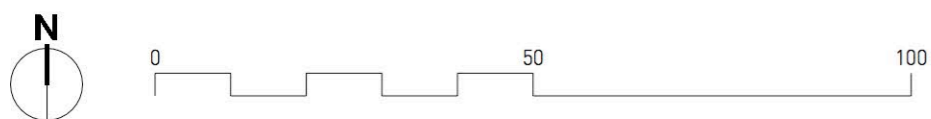
## **Appendix 1 – Site Locations**

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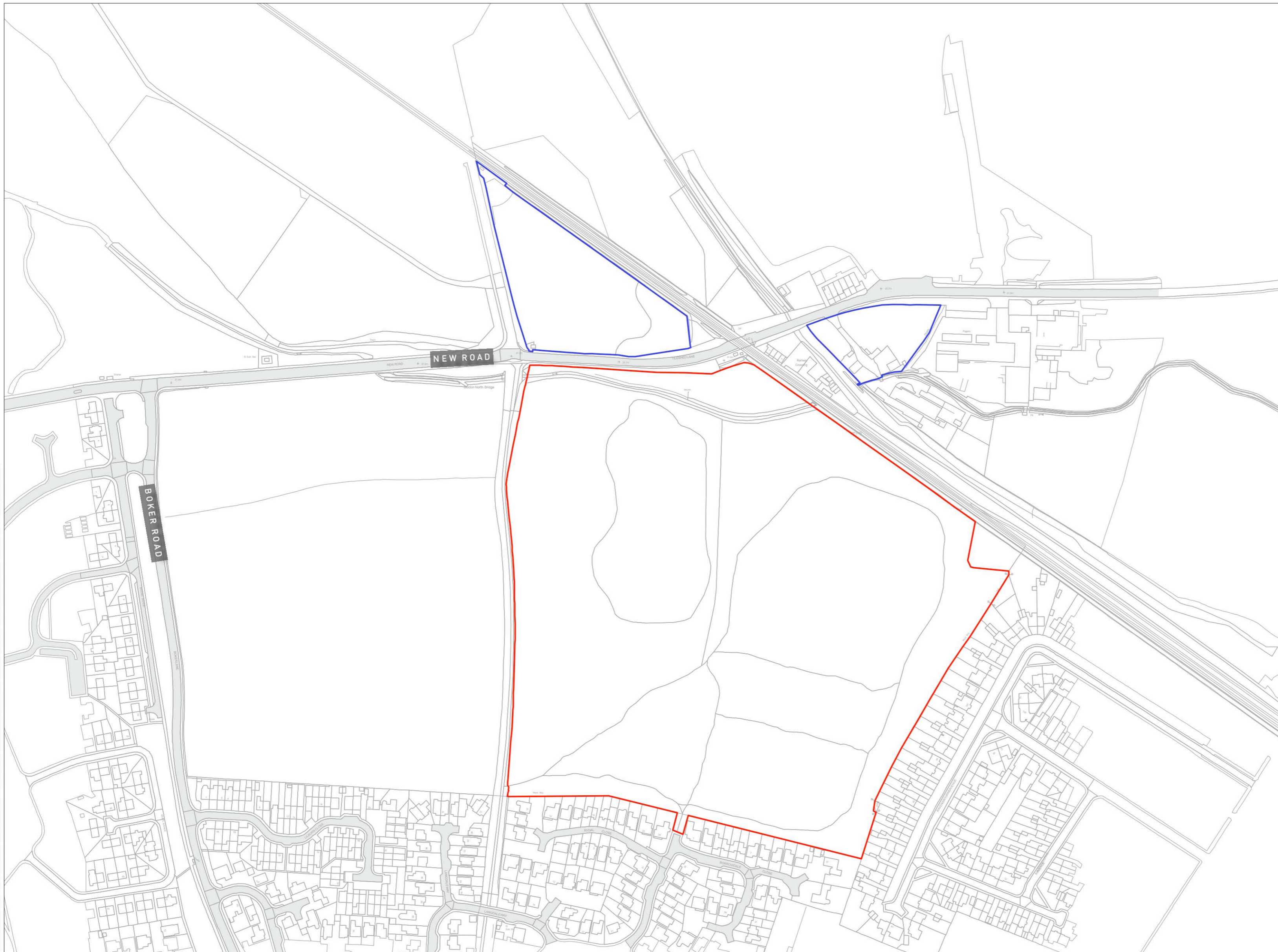
-  Site Allocation Boundary
-  Additional Land Boundary



**SITE LOCATIONS**  
**LAND AT NORTH FARM, SOUTH TYNESIDE**

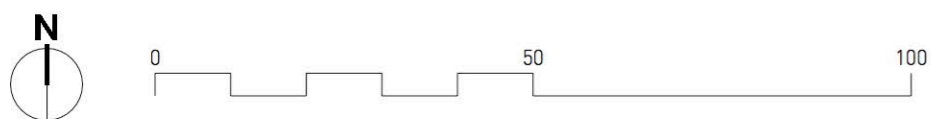
**Appendix 2 – Bellway Homes Limited's Land Interests**

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**KEY**

-  Site Allocation Boundary
-  Additional Land Boundary



**SITE LOCATIONS**  
**LAND AT NORTH FARM, SOUTH TYNESIDE**