

International Advanced Manufacturing  
Park Area Action Plan Examination in Public

# **Sunderland City Council and South Tyneside Council Local Planning Authorities' Responses to the IAMP AAP Inspector's Matters, Issues and Questions**

## **Matter 1 - Duty to Co-operate and Other Legal Requirements**

Final Version 17/03/2017

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### **1.1 Have the Councils adequately discharged any obligations on them in respect of the Duty to Co-operate in the preparation of the plan?**

#### **Councils' Response;**

The Councils consider that they have adequately discharged their obligations in response to the Duty to Cooperate (DTC). Section 4 of the Statement of Compliance (PSD10a) demonstrates how the Councils have met the requirements set out by the Localism Act 2011, Town and Country Planning (Local Planning) (England) Regulations and the NPPF and PPG.

As set out in paragraph 4.3.1 of the Statement of Compliance (PSD10a) the Councils in the North East have worked collaboratively and undertaken extensive dialogue to address strategic planning issues for a number of years. In response to the requirements of the Localism Act, the Chief Executives and Leaders of the 7 North East Authorities signed a Memorandum of Understanding (MOU), a copy of which is in Appendix L to the Compliance Statement (PSD10b) together with a Joint Position Statement, which sets out the strategic planning issues which the seven Councils agreed to focus on discussing in respect of the DTC.

Section 4.2 of the Statement of Compliance (PSD10a), as supported by the Duty to Cooperate Summary Log (Appendix M PSD10b), sets out the meetings between the Councils and other bodies and logs the strategic issues and themes raised, together with how these have been addressed during the production of the Area Action Plan (AAP). The DTC strategic issues relevant to the International Advanced Manufacturing Park (IAMP) AAP are: delivering the IAMP, economic and population growth, housing and planning for jobs, transport infrastructure, utilities infrastructure provision and the Tyne and Wear Green Belt.

The Councils received representations during the Regulation 19 consultation from DTC bodies. Furthermore the Councils, through their ongoing dialogue, have worked in partnership to address all substantive issues. Section 4.4 of the Statement of Compliance (PSD10a) demonstrates that this cooperation has resulted in Statements of Common Ground being agreed between Sunderland City Council (SCC) and South Tyneside Council (STC) with Newcastle City Council, Historic England, Sport England and also with Gateshead Council. These are submitted with the Report of Representations (PSD8).

There are no outstanding objections of a substantive nature from any DTC body. It is considered that the Councils have satisfied the requirements of the DTC.

### **1.2 Has preparation of the plan complied with the 2004 Planning and Compulsory Purchase Act and the relevant Regulations? Is the plan consistent with the relevant adopted development plans as required by Reg 8(4) of the Town and Country Planning (Local Planning) (England) Regulations 2012?**

#### **Council's response;**

There are a number of requirements of the 2004 Planning and Compulsory Purchase Act (2004 Act (as amended)) and relevant regulations. The Councils consider that they are in compliance with these requirements and have demonstrated this in the Statement of Compliance (PSD10a) chapter 2 (page 9). Specifically, the 2004 Act (as amended) requires:

- A Sustainability Appraisal (SA) to be carried out during the production of Local Plans. In accordance with the Strategic Environmental Assessment (SEA) regulations, an SA incorporating the requirements of SEA has been carried out for the IAMP AAP. The draft

scoping report was consulted on between 28<sup>th</sup> September 2015 and 2 November 2015 and the SA Report was subject to public consultation alongside the IAMP AAP Publication Draft (PSD1). To reflect the modification proposed by the Council, an update to the SA was undertaken in February 2017. Paragraph 2.4 of the Statement of Compliance (PSD10a page 13) provides evidence that this requirement has been met in full.

- Development plans to be compliant with Statement of Community Involvement (SCI). As set out in paragraph 2.2.1 (page 10) of the Statement of Compliance (PSD10a), the preparation of the AAP is consistent with the Sunderland SCI (SD15) and the South Tyneside SCI (SD19).
- Plans to be prepared in accordance with the Local Development Scheme (LDS). As set out in paragraph 2.2.2 of Statement of Compliance (PSD10a page 12), the Council are in accordance with the timescales set out in Sunderland LDS (SD14) and South Tyneside LDS (SD18).

Regulation 8(4) of the 2012 Regulation requires development plans to be consistent with the adopted Plan unless they are intended to supersede policies within another development plan. The adopted development plan for Sunderland is the Unitary Development Plan (1998). The adopted plan for South Tyneside is the Local Development Framework (LDF) which comprises six development plan documents (2007-2012). Figure 1 (page 5) illustrates the future coverage of these existing documents across the two Local Authority areas as amended by the area that the proposed IAMP AAP will cover.

The purpose of the IAMP AAP is to provide a policy framework for the unified development of land within its boundary. The AAP, in accordance with Regulation 8(5) will supersede or partly supersede a number of designations and allocations contained within the adopted development plan; this is set out in Appendix C of PSD7 (page C1). South Tyneside's LDF Site-Specific Allocations document would no longer apply within the IAMP AAP area, but the South Tyneside LDF Core Strategy and Development Management Policies documents together with most Sunderland UDP policies would continue to apply, pending their being superseded by new Local Plan policies.

In addition to those currently listed in Appendix C of PSD7, the Councils propose to make a further modification. The Sunderland UDP (1998) proposals map identifies and designates the 'North East Aircraft Museum' (Policy WA3.1) as a visitor facility. The Councils propose to supersede policy WA3.1 with a new policy in the AAP, which would continue to protect the provision of the North East Aircraft Museum.

#### **Proposed Modification**

Policy D1

A vii 'have regard to the presence of the North East Land, Sea and Air Museum (as designated on the policy map) as a visitor attraction.'

The Councils consider that they are compliant with the requirements of Regulation 8(4).

### **1.3 Does the plan accord with the adopted Local Development Schemes for Sunderland and South Tyneside?**

#### **Councils' response;**

The Councils consider that the Plan accords with the adopted Local Development Schemes (LDS) for Sunderland and South Tyneside. As set out in Paragraph 2.2.2 of the Statement of Compliance (page 12), South Tyneside's LDS (SD18) outlines that the submission draft will be submitted to the Secretary of State early 2017, whilst Sunderland's LDS (SD14) identifies that the Plan will be

submitted in early 2017. As a result, the AAP is in accordance with Paragraph 15 and 19 of the 2004 Act (as amended).

**1.4 Has consultation, undertaken in preparing the plan, been adequate and carried out in accordance with the adopted Statements of Community Involvement of Sunderland City Council and South Tyneside Council?**

**Councils’ response;**

Consultation and engagement is extremely important to the Councils and consequently the Councils have undertaken consultation beyond the legal and their SCI (SD15 and SD19) requirements. Paragraphs 2.2 and 2.2.1 and Chapter 3 of the Statement of Compliance outlines how the Councils have met the legal requirements of the 2004 Act (as amended), Localism Act (2011) and the Town and Country Planning Regulations 2012.

**1.5 Is the Sustainability Appraisal of the plan adequate and has it appropriately informed the preparation of the plan?**

**Councils’ response;**

Section 2.4 of the Statement of Compliance (PSD10a) states how the Sustainability Appraisal (SA) of the AAP was prepared in accordance with section 19(5) of the 2004 Act and the Environmental Assessment of Plans and Programmes Regulations 2004. The draft SA Scoping Report was published for consultation in September 2015 and issued directly to Natural England, the Environment Agency and Historic England. It was subsequently updated in accordance with their comments. This process is described in the final SA Scoping Report (PSD3).

Figure 3 in Section 4, page 35 of the SA (PSD2) sets out the three AAP preparation documents that were subject to appraisal and which elements of these documents were appraised. This figure is replicated below for reference.

Document	Elements appraised
<b>IAMP for the North East Region</b>	Appraisal of the three spatial options located in the area to the north west of the Nissan site.
<b>Green Belt and Site Selection Options</b>	Assessment of the three site selection options within the preferred zone, and assessment of the Draft vision and objectives for IAMP.
<b>IAMP AAP</b>	Appraisal of several elements from the IAMP AAP; <ul style="list-style-type: none"> <li>• Review of the appraisal of vision and objectives for IAMP.</li> <li>• The policies included in the AAP.</li> <li>• The masterplan objectives.</li> </ul>

Section 6.2 (page 41) of the of the Sustainability Appraisal (PSD2) provides a summary of the appraisal of the draft Vision and Objectives for the AAP (as first set out and consulted upon in the Green Belt Site Selection and Options Paper (SD4)) and concludes that there is no significant conflict with the Sustainability Objectives.

Section 6.5 (page 43) of the of the SA (PSD2) provides a summary of the appraisal of the three different options consulted upon in the Green Belt Site Selection and Options Paper (SD4). The SA concluded that the options had similar impacts but did identify that negative impacts on flood risk, ecology and habitats and removal of natural features should be reflected in the AAP. These factors were considered in the selection of the Preferred Option as presented in the AAP Publication Draft (PSD 1) and also informed the inclusion of and content of polices in the AAP, in particular D1, EN2, EN3 and IN2. Also, an additional objective was added to the AAP to reflect the role of the River Don running through the Plan area.

Section 8.3.1 (page 50) of the SA (PSD2) sets out the significant effects and Section 10 (page 55) sets out how these effects can be mitigated. This acknowledges where the need to consider low carbon and renewable energy systems has been added to policy IN1 to respond to the potential impact caused by the increase in Greenhouse Gases associated with increased energy consumption as a result the proposed new development. In terms of the other significant effects identified, the SA considers that the AAP policies appropriately mitigate the impact and no further mitigations are proposed.

**1.6 Is the Habitats Regulations Assessment Screening Report adequate and persuasive in its conclusion that Appropriate Assessment is not necessary in connection with the plan.**

**Councils' response;**

Section 2.5 (page 18) of the Statement of Compliance (PSD10a) states how the preparation of the Habitat Regulations Screening Assessment accords with appropriate regulations. The Habitat Regulations Assessment (HRA) Screening Report (PSD4) identifies that there are no European designated sites within the AAP boundary. However, there are three European designated sites in proximity to the site. The Northumbria Coast SPA is 6 km east of the site (figure 2), the Durham Coast SAC is 6.5k east of the site (figure 3) and the Northumbria Coast Ramsar site is 6 km east of the site (figure 4). Section 4.7 (page 10) of the HRA Screening Assessment (PSD4) considers that the proposed IAMP AAP is not considered likely to have any direct or indirect impacts on these European designated sites due to the distance from these, the proposed operational activities at the site, the nature of the activities present and the designated features. The location of these European designated sites are provided in the extract below, but can also be viewed in Appendices B1-B3 of PSD4.

In addition, the Report of Representations (PSD8) includes a consultation response from Natural England 290916/NATENG/038, which concurs with the Councils' conclusions of the Screening Assessment.

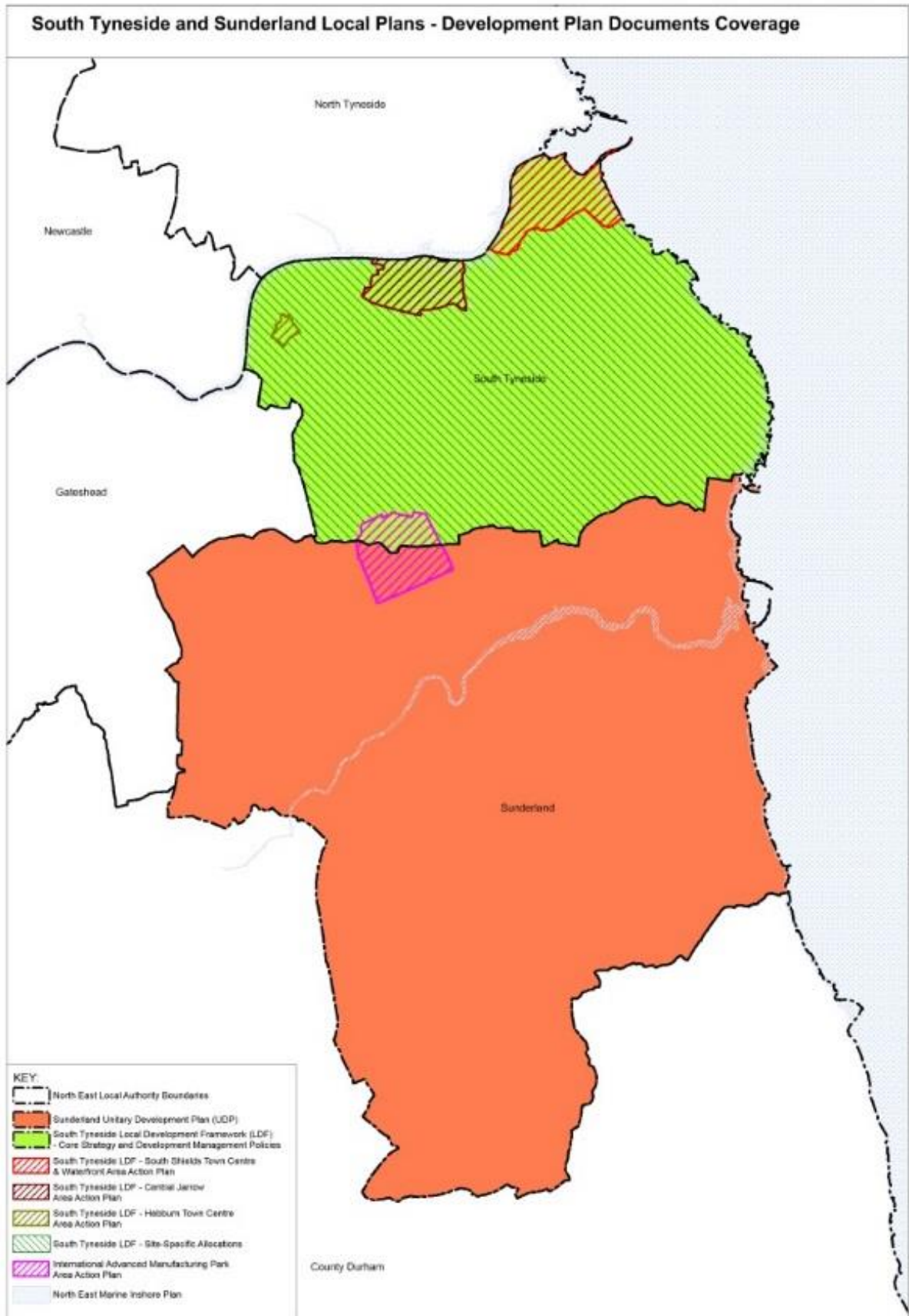


Figure 1: Local Authority Areas

Figure 2: Northumbria Coast SPA Location to IAMP

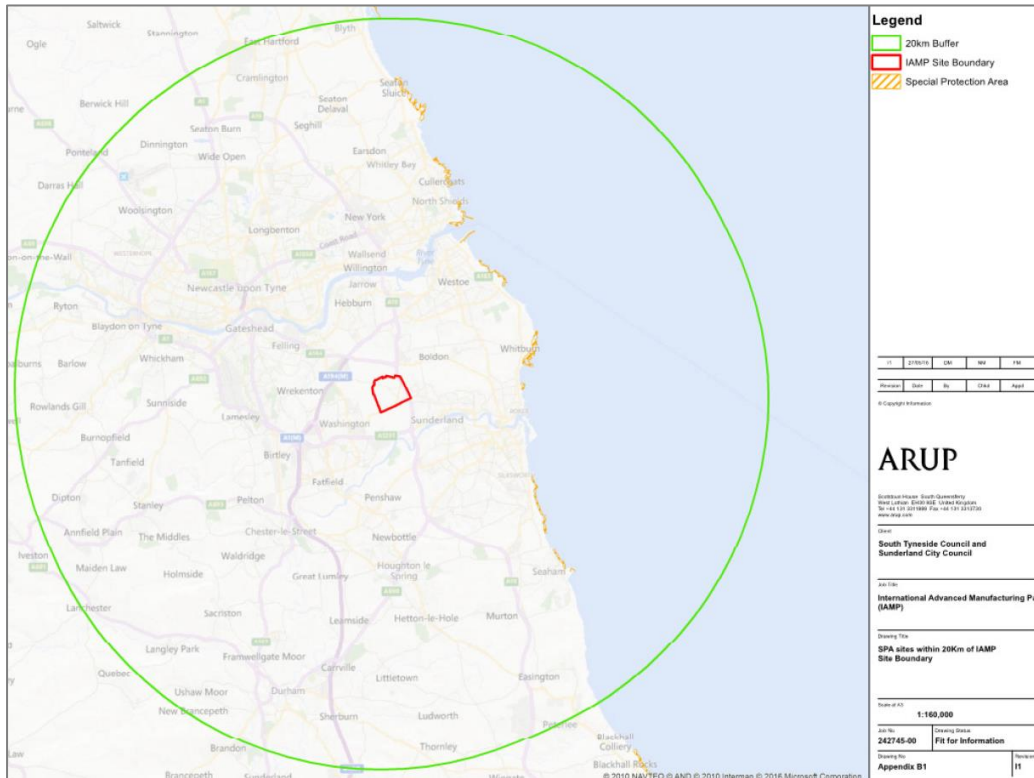


Figure 3: Durham Coast SAC location to IAMP

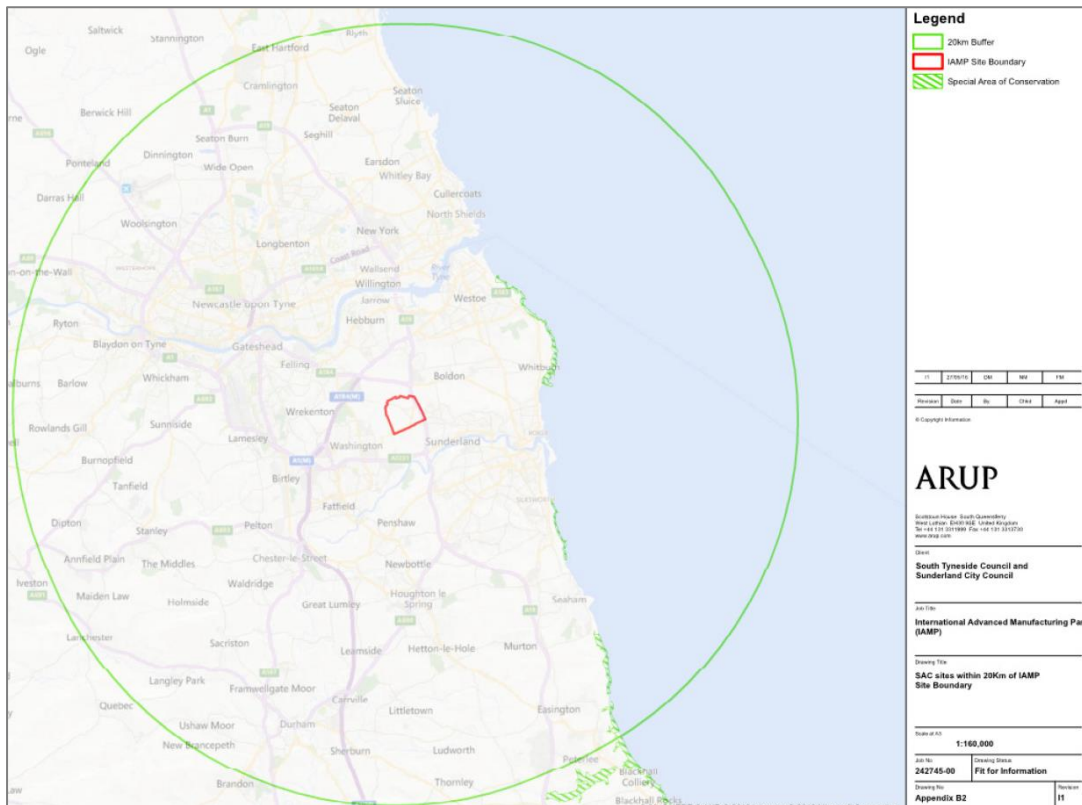


Figure 4: Northumbria Coast Ramsar site location to IAMP

