

SUNDERLAND CORE STRATEGY AND DEVELOPMENT PLAN EXAMINATION

INSPECTOR'S PRELIMINARY VIEWS ON MATTERS AND ISSUES FOR THE EXAMINATION INCLUDING SOME INITIAL QUESTIONS AND COMMENTS

Introduction

1. The purpose of this note is to:
 - set out my views on potential matters and issues for the examination and;
 - seek clarification from the Council on a number of points relating to those matters and issues.
2. These views and questions arise from my initial reading of the Plan (LP), the summary of representations on the Publication Draft of the LP in the Consultation Statement SD.7, the Compliance Statement SD.66 and some of the other key Submission Documents.
3. The answers will help me to draw up 'Matters and Issues' for the examination hearings. I may have further questions during the preparation period which are not covered in this note. Some may follow once I have carried out a familiarisation visit in March. My questions and comments are without prejudice to consideration of the soundness of the Plan's policies during the remainder of the Examination, including at the hearings. Some of the answers to the points that I raise may be contained within the evidence base. If that is the case, please could my attention be drawn to where I can find the information?
4. Not all matters raised go to soundness but may assist with the clarity of the LP. Where a point could potentially be addressed by a Main Modification (MM) or Additional Modification (AM) to the LP I will make this clear by including **MM** or **AM** in the text.
5. All references to paragraphs and policies relate to the Publication Draft version of the LP June 2018 (SD.1).

Preliminary Points

6. The Publication Draft version of the LP was subject to consultation between 15 June and 27 July 2018. This is the version of the LP which is the starting point for the examination. The proposed changes made after the consultation that are included in the Schedule of Minor Modifications (SD.3) may also be considered during the examination. However, the Council is of the view that the changes do not go to 'soundness' and would therefore form the basis of AMs suggested by the Council during the examination. From my initial perusal of the schedule most of the suggested changes relate to drafting errors or clarity of wording, so I would agree that the majority appear to be AMs. There are a few exceptions which I have highlighted in this advice. If, after further scrutiny, any of the other changes made go to 'soundness' they would also be included in the Schedule of MMs (see below). I will advise you in due course if I think that this is the case.
7. The AMs would be distinct from any further changes to the submitted LP which arise during the examination and are required to make the LP 'sound' which will comprise

MMs. Assuming that any are necessary a Schedule of MMs should be produced during the examination which should be a living document to be updated and included on the website. After the hearing sessions it will be necessary to consult on any MMs and consider any implications for the Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA). To ensure that the number of MMs does not become unwieldy all proposed changes to a particular policy and consequential changes to its explanation should be encompassed within a single MM.

8. Hearing sessions forming part of the examination are likely to take place over a period of around 3 weeks but with sitting normally on Tuesday - Thursday only. Friday mornings could be available as a reserve. The weeks commencing 20 May, 3 June and 10 June 2019 appear to be the most suitable for the hearings. Such a programme would avoid the Spring Bank Holiday week. I understand that accommodation is available for that period at Bede Tower. Six weeks' notice is required for the hearings i.e. by 8 April 2019.
9. I would envisage that strategic matters such as the duty to cooperate, statutory compliance, housing and economic development needs and the overall strategy would be dealt with during the first week. The first week would also accommodate discussions on the components of housing supply and whether these would be sufficient to meet the housing requirement over both the plan period and the next 5 years. The gap of a week at the end of May would allow me to take stock and consider whether I need to issue any preliminary findings. Assuming that there are no fundamental issues of soundness at a strategic level, then Sub-Area policies/Housing Growth Areas (HGAs), generic policies, infrastructure and implementation and monitoring would be dealt with in the second and third weeks. The last hearing would be a review session which would also take place in the third week.
10. I set out an indicative programme for the hearings in **Appendix 1** based on the potential Matters and Issues and representations. Feedback on this programme would be welcome, particularly whether too much or too little time has been allocated to various sessions, having regard to the level and nature of representations. The programme allows about 3 hours for each hearing session, assuming two are held each day. Based on experience this would be sufficient for most matters. Taking into account these timings I have suggested only one hearing takes place on 5 June (Washington) on the basis that it will take longer than 3 hours. Is this a reasonable assumption to make? Would other sub-area hearings be likely to require longer than 3 hours?
11. The Government published a new National Planning Policy Framework (Framework/NPPF) on 19 February 2019 which itself replaced the revised Framework of July 2018. However, paragraph 214 of the new Framework advises that policies in the 2012 NPPF will apply for the purpose of examining Local Plans submitted on or before 24 January 2019. In this respect the implications of the 2019 Framework for this examination are limited, albeit revised policies may be a consideration in relation to some issues. For the avoidance of doubt the paragraph references within this note are from the 2012 Framework unless stated otherwise.

Matter 1 – Legal Compliance, Procedural Requirements and the Duty to Cooperate (DTC)

12. Issues that are likely to be discussed at the hearing session are:
- The extent and type of consultation and community engagement;
 - The SA and HRA;
 - The timeframe of the LP and its relationship to the evidence base;
 - The DTC and in particular addressing development needs in the Housing Market Area and dealing with infrastructure constraints, particularly transport.
13. The Compliance Statement indicates that a final version of the SA was prepared for the publication version of the Plan and this suggested further modifications to the Plan (SD.66 para 3.44). Some modifications have been made but the implication is that further amendments will be required. If this is the case how are these to be progressed?
14. You will be aware of the judgement in the Court of Justice of the European Union (CJEU) – People over Wind, Peter Sweetman v Coillte Teoranta (Case C-323/17). The implication of the CJEU judgment is that competent authorities cannot take account of any integrated or additional avoidance or reduction measures when considering at the HRA screening stage whether the plan or project is likely to have an adverse effect on a European Site. My understanding is that at the screening stage the Council identified that certain proposals would have significant affects and that Appropriate Assessment (AA) was required. The AA was undertaken in the Report to Inform the HRA (SD.10). The report then considered Mitigation Measures which would be sufficient to ensure that the residual effects would not have an adverse effect on the European Sites on the coast. Is this a correct interpretation of the HRA process? Is the Council satisfied that the HRA is legally compliant in the light of the ruling? Has legal advice been taken to inform this view?
15. The DtC Statement (SD.11) sets out the Council’s position in terms of compliance with the DtC. I note that some representors have referred to the DtC in their submissions (SD.9 summarises these). However, have any representations been made on the contents of SD.11 and whether this demonstrates that the DtC has been met and if so where can these be found? I am particularly interested in any comments on the extent of collaboration with adjoining local planning authorities to explore meeting Sunderland’s development requirements.

Matter 2 – Spatial Strategy

16. Issues that are likely to be discussed at the hearing session are:
- The spatial distribution of development across the sub-areas;
 - The split between the Existing Urban Area (EUA) and elsewhere and between brownfield and greenfield land;
 - Green Belt –whether in principle exceptional circumstances have been demonstrated for the alteration of Green Belt boundaries (Green Belt alterations will also be discussed in relation to specific allocations during Weeks 2 and 3);
 - The principle of safeguarded land being identified to meet longer-term development needs;
 - The principle of ‘Settlement Breaks’ and the terms of Policy NE7;

- Whether Policy NE8 is consistent with national policy.
17. Chapter 4 of the LP and Policy SP1 in particular refer to 'spatial strategy'. However, the policy itself is more about delivering the overall number of homes and jobs required than about the spatial distribution of development even though paragraph 4.8 refers to both the scale and distribution of development. There is no reference to what proportion of development each of the sub areas should take and the justification for any such spatial distribution. In addition, Policy SP1 and paragraph 4.19 refer to delivering the majority of development in the EUA and that being a priority but the split between the EUA and elsewhere and between brownfield and greenfield land is not quantified. Consideration should be given to the inclusion of tables within Policy SP1 to show how development, both housing and employment, will be distributed and providing supporting text to justify such a distribution (**MM**).
 18. Figure 11 of the LP indicates that there is some 130 ha of land available for employment and mixed use. This is some 35 ha above the employment land requirement. What contribution, if any, does the surplus of employment land make to housing land supply? How much of the land is constrained by the factors outlined in paragraph 4.20 of the LP? I note the findings of the Employment Land Review (ELR) (SD.37) in relation to sites which could be removed from the employment portfolio. How many of these sites now form part of the housing supply?
 19. The Framework indicates that Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the LP. The LP seeks the alteration of Green Belt boundaries and provides the high -level justification in Chapter 4 supported by SD.33. However, the LP should also make clear why particular areas of land have been proposed for release from the Green Belt taking into account Green Belt purposes and the creation of defensible boundaries. Reference is made in paragraph 4.28 of the LP to the assessment of land in terms of harm to Green Belt purposes and I note the contents of the Green Belt assessments and in particular SD.34. However, a concise justification for each of the Green Belt releases should be provided within the text of the LP. This take the form of an additional paragraph after the Sub-Area Strategic Policy e.g. for Washington an additional paragraph after 4.41 (**MM**).
 20. The Plan identifies safeguarded land under Policy SS3. The justification to the policy seeks to explain the reasons for the land being safeguarded. However, some of this explanation is high-level and should be included within the earlier part of the Chapter as it is a key component of the spatial strategy (**MM**).
 21. Policies NE8 and SP6 refer to protection of the open countryside designated on the Policies Map, whereas the Framework only seeks protection of valued landscapes whilst recognising the intrinsic character and beauty of the countryside. In this respect Policies NE8 and SP6 are not consistent with national policy and consideration should be given to modifying them (**MM**).
 22. Policy SP6 also refers to 'inappropriate development' in the countryside and settlement breaks. However, inappropriate development is a term which is relevant to Green Belt and not open countryside. A cross-reference to Policies NE7 and NE8

would ensure that the SP6 was consistent with national policy (**MM**).

23. Residential curtilages are dealt with under 7 iii. of Policy NE8 but 7 relates to 'extensions or alterations of a building'. The creation and extension of residential curtilages would be better dealt with under a separate category (**AM**).

Matter 3 - Housing and Employment Objectively Assessed Needs (OAN) and Requirements

24. Issues that are likely to be discussed at the hearing session are:

- Whether the evidence base supports the housing requirement of at least 13,410 new homes or 745 dwellings per annum (dpa) taking into account demographic and economic factors, market signals and affordable housing need;
- The need for 95 ha of employment land; and,
- The relationship between housing and employment land provision.

Matter 4 –Housing Land Supply

25. Issues that are likely to be discussed at the hearing session are:

- The components of housing supply to meet the housing requirement;
- Flexibility and/or a slippage allowance;
- The small sites/windfall and demolitions allowances;
- Whether a range of sites would be available, including smaller sites for local builders;
- The five-year supply position and the assumptions behind it;
- The housing trajectory; and,
- The need for a Housing Implementation Strategy (HIS) and dealing with 'significant under-delivery'.

26. Paragraph 4.22 of the LP indicates that 13,233 new homes can be delivered in the EUA on a mixture of brownfield and greenfield sites. This is very close to the overall housing requirement of 13,410 new homes. Could the Council confirm that the SHLAA figure referred to in paragraph 4.22 takes into account the allocations within the HGAs proposed as part of this LP? The shortfall of 177 dwellings referred to in paragraph 4.25 is the difference between 13,233 and 13,410 homes.

27. Paragraph 4.22 then refers to the remainder of the requirement being met by allocations in the Allocations and Designations Plan (A & D Plan). However, taking into account the comments above, is the residual requirement likely to be significant or only the 177 dwellings with any additional numbers for flexibility? Or does the 13,233 homes also include sites that are likely to be allocated in the A & D Plan?

28. In order to improve the clarity of the LP, make it effective and taking into account the comments above, a table should be included in Section 6 to show how the housing requirement would be made up (**MM**). This would typically include the following:

- Completions from the base date
- Commitments (outline and full permissions)
- Allocations within this LP (the Housing Growth Areas)
- Small sites allowance (windfalls)
- Allocations to be made in the A & D Plan

- Demolitions (minus figure)
- Total Supply

29. Taking into account the SHLAA (SD.22) and paragraphs 4.56-4.57 it does not appear that a lapse rate has been factored into the commitments. Is delivery from all sites with planning permission justified?

30. The total supply should allow for flexibility compared to the requirement.

31. Paragraph 6.7 refers to including a small site allowance in the supply but not a windfall allowance. How has the Council distinguished between the two? It would seem to me that the small site allowance is effectively windfalls by another name but may only be part of the picture. What about windfall sites above 4 units? Although a small site allowance and/or windfalls would not be justified for the next three years because of double-counting with permissions, there may be historic evidence of windfalls coming forward to include an allowance for the remainder of the LP period. Or is a figure of 50 dpa from windfalls a robust allowance?

32. As the examination hearings will take place sometime after 31 March 2019, will it be possible to update the housing supply position so that reflects the position at 31 March? This would enable up-to-date figures to be discussed at the hearings (see paragraph 6.6 of the SHLAA).

33. The LP should clearly express the key assumptions and parameters which will be relied upon to calculate the five-year housing land supply upon adoption of the LP. Therefore, Section 6 of the LP should include a summary of the information contained within Section 6 of the SHLAA with reference to the 5% buffer (**MM**).

34. Paragraph 47 of the Framework expects LPAs to illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a Housing Implementation Strategy (HIS) so that a five-year supply can be maintained through the LP period. A trajectory is included as Figure 34. Paragraph 6.9 sets out some measures that would form part of a HIS, but they lack detail. What are the intentions in respect of the production of a HIS and the likely timescale? It should be referenced in the LP alongside the commentary about the five-year supply (**MM**).

Matter 5 – Specific Housing Needs and Standards

35. Issues that are likely to be discussed at the hearing session are:

- The justification for affordable housing targets in Policy H2, taking into account considerations such as viability;
- The approach to tenure-split and clustering within Policy H2;
- The effectiveness of Policy H1 in meeting the need for a mix of dwellings, including larger dwellings and those for older people;
- The density provisions of Policy H1;
- The requirements of Policy H1 for Self-Build/Custom Build Housing;
- The requirements of Policies H1 and BH2 for 10% accessible/adaptable, energy efficient and sustainably designed dwellings and the relationship to the Building Regulations;

- The justification for applying the Nationally Described Space Standard (NDSS) (Policy BH1);
 - The approach of relying on the Unauthorised Encampment Policy (UEP) to deal with the need for a stop-over site identified in the Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA);
 - The terms of Policy H4 (Travelling Showpeople, Gypsies and travellers).
36. Policy H2 refers to developments of more than 10 dwellings or sites of 0.5 ha or more providing 15% affordable housing. Whilst the 2012 Framework is to be considered, it would be worthwhile future-proofing the LP so that Policy H2 does not soon become out-of-date. In this respect Policy H2 should refer to 10 dwellings or more so that it is consistent with the definition of major development within the 2019 Framework (**MM**).
37. Section 1 of Policy H2, in referring to the possibility of off-site provision or a financial contribution, should make it clear that not providing the affordable housing on-site should be the exception. As currently worded the policy does not indicate that this is the case. The insertion of 'exceptionally' after 'however' would assist (**MM**).
38. Paragraph 6.15 refers to tenure split and size of affordable dwellings but Policy H2 itself would be more effective if it made reference to the fact that the tenure-split and size of dwellings should reflect the latest available evidence (**MM**).
39. Policy NE8 refers to rural exception sites for housing but there is no reference within Section 6 of the LP to such sites. It would assist clarity if a cross-reference was made within Section 6 to exception sites, national policy and Policy NE8 (**AM**). Is there justification for a separate affordable housing exception sites policy?
40. I note the representations on 1 iii. of Policy H1 about density. Although the supporting text at 6.11 refers to accessibility, the policy itself only refers to 'character'. The policy should be amended to include reference to 'the level of accessibility' (**MM**).
41. The PPG indicates that Local Planning Authorities should take into account need, viability and timing in providing justification for the NDSS. The need for the application of the NDSS through Policy BH1 is set out in SD.25 Internal Space Standards. The Whole Plan Viability Assessment (SD.60) made the assumption that the Council would not introduce the NDSS (paragraph 8.16) but its modelling is based on these standards. However, although an AM is proposed to paragraph 9.4 suggesting a transitional period of one year from LP adoption, there does not appear to be justification for the period within the evidence base. In addition, any transitional period would be best given policy weight and would represent a **MM** not an AM.
42. Policy BH2 and paragraph 9.8 refer to 'major development'. The term is not defined in the policy, its explanation or the Glossary. If it is intended to use the definition within the Glossary to the 2019 Framework this should be made clear (**MM**).
43. The explanation to Policy H6 (Homes in multiple occupation -HMOs) indicates that a good standard of accommodation will be sought (Paragraph 6.36). However, the

criteria within the policy do not deal with the living environment of occupiers of HMOs both in relation to space or 'amenity' (outlook, light, privacy). A criterion should be included within the policy to this effect (**MM**).

44. In relation to travelling showpeople, gypsies and travellers, the GTAA (SD.26) identified a need for a stop-over/transit site of 5 pitches. The Site Assessment Report (SD.28) identified 3 potential sites and considered all to be acceptable in principle, albeit only one site would be required. However, the LP does not allocate any stop-over sites and instead, taking into account the Addendum to the GTAA (SD.27), relies on its Unauthorised Encampment Policy (UEP). I note that the UEP was updated in 2018 (SP.17).
45. In order for me to consider whether the Council's approach is sound in the context of the Government's Planning Policy for Traveller Sites and the Public Sector Equality Duty, it would be helpful to know whether any other LPAs referred to in the evidence base, e.g. Durham, South Lakeland, who rely on a UEP, have had this approach considered by an Inspector at examination. If so has such an approach been found sound? In addition, stop-over provision is often best tackled on a sub-regional basis. What provision, if any, is available or is to be made for transit/stop-over sites in the Sub-Region?
46. In terms of the allocation and identification of new sites for travelling showpeople, Policy H4 does not include any criteria as how the sites should be developed. Nor is a location plan included to identify the extent of the site(s). This differs from the approach to the HGAs. Are there any site-specific considerations that should be incorporated within Policy H4 for the allocated sites at Station Road North and Market Place Industrial Estate? If so they should be included within Policy H4 (**MM**).

Matter 6 – Employment Land Supply, Employment Policies and Town Centres

47. Issues that are likely to be discussed at the hearing session are:
- The components of employment land supply;
 - Whether the sites designated as Primary and Key Employment Areas through Policies EG1 and EG2 have a reasonable prospect of being used for employment;
 - The effectiveness of Policies EG1 – EG6 and their consistency with national policy;
 - The marketing requirements of Policy EG2;
 - The requirement for 45,400 sq m of comparison floorspace;
 - The indicative split of comparison retail floorspace within Policy SP9 and the capacity of the centres to accommodate the floorspace;
 - The protection of town centres through Policies VC1 and VC2 including the thresholds for impact assessment;
 - The effectiveness of Policy VC3 including its 24-month marketing requirement; and,
 - Whether the criteria within Policy VC4 for hot food takeaways are justified, particularly those relating to healthier communities (Section 2 of the policy).
48. As with housing land supply it would assist the effectiveness of the LP if a table was to be included in Section 7 of the Plan setting out how the 95 ha of employment land required under Policy SP1 would be provided. Table 3.3 in the ELR SD.38 shows the

distribution of supply across the Sub-Areas but does not breakdown the components of the supply into completions, commitments and allocations etc.

49. Although paragraph 2.59 of the LP identifies a significant decline in retail revenue for the City Centre the new comparison floorspace requirement is for 45,400 sq m for the LP period. I note the analysis in Section 7 of SD.39 and Section 6 of SD.42 in relation to retention assumptions and sensitivity testing. This results in a figure of 44,700 sq m in Table 7.3 of SD.39 for the period 2015-2035. How has this been translated into 45,400 sq m for the LP period of 2015-2033?
50. Policy SP9 sets out the broad spatial distribution of retail floorspace but does not allocate specific sites. I note that SD.42 identifies some development opportunities in the City Centre and in Washington and Houghton Town Centres. Would these have the capacity to provide the comparison floorspace and, in terms of Houghton, space for a new supermarket? Would it be appropriate to allocate any of these sites at this stage, for example the Houghton Colliery site for a supermarket? For Sunderland North are there the opportunities to provide 3,800 sq m of comparison floorspace? Would this be on the out-of-centre retail parks identified in paragraph 8.9?
51. I have interpreted Policy VC3 as requiring non-A1 uses to either not exceed the various thresholds within Section 4 or having satisfied the marketing requirements of Section 3. If this is a correct interpretation would the policy have greater clarity if the order of Sections 3 and 4 were reversed and the wording amended accordingly? In terms of Section 5, I note that SD.42 does not support any controls of the diversity of uses in Secondary Frontages but refers to Fawcett Street in the City Centre as an exception (paragraph 8.10). What is the reason for this recommendation not being carried forward into the policy?

Matter 7 –The Strategies and the Housing, Employment and Mixed-Use Allocations for the Sub-Areas

52. Issues that are likely to be discussed at the hearing sessions are:
- The strategies for each Sub-Area (SP2-SP6);
 - The site selection process for the Housing Growth Areas (HGAs), principally the SHLAA;
 - The suitability of the allocations having regard to infrastructure and other constraints and the need for a range of sites;
 - The effect of the allocations and safeguarded land on Green Belt purposes and permanence;
 - The definition of the Settlement Breaks within the Sub-Areas;
 - Whether any significant adverse impacts would arise for the economic, social and environmental dimensions of sustainable development, taking into account potential mitigation;
 - The Habitats Regulations Assessments for HGA7 and HGA8;
 - The development criteria;
 - The delivery of the allocations over the plan period.
53. The intention is to have separate hearing sessions to cover the different Sub-Areas.

54. I intend to visit the HGAs in March so further questions are likely to arise after then in relation to the specifics of the sites and the HGA policies. However, in the meantime I seek clarification on a number of detailed matters:
- **HGA1** – Is a vehicle access to Mount Lane deliverable taking into account the intervening land?
 - **HGA3** - Should there be a requirement to maintain and enhance the footpath connections across the site and the links with the Great North Forest Heritage Trail?
 - **HGA6** – The proposed modification to the Plan, which I consider to be a **MM**, refers to the need for a Playing Pitch Needs Assessment. Whilst I note the commentary about the Parklife Hub in the Compliance Statement it would seem premature to put forward the site for housing until such time as the needs assessment has been completed. This is reinforced by the objection from Sport England. Please could the Council comment on this matter.
 - **HGA7** – The Statements of Common Ground between the Council and Natural England and between the Council, Natural England and Hellens (SD.8k) note that the HRA for HGA7 should be updated and submitted to the Examination Inspector. What is the time timetable for this to occur?
 - **HGA8** - The proposed modification to the Plan which I consider to be a MM refers to the need for a Playing Pitch Needs Assessment. Whilst I note the commentary in the Compliance Statement about the levels of greenspace in the area it would seem premature to put forward the site for housing until such time as the needs assessment has been completed. This is reinforced by the objection from Sport England. Please could the Council comment on this matter.
 - **SS6** – Some of the requirements of the policy are not very specific, including those introduced as modifications e.g. 'ecology', 'public transport'. Whilst I note that the Draft South Sunderland Growth Area Supplementary Planning Document (SPD) (SD.36) provides more detail the policy would be more effective if the requirements were more specific and that development being in accordance with the SPD was incorporated into the policy (**MM**).

Matter 8 – Minerals and Waste

55. Issues that are likely to be discussed at the hearing session are:
- Whether the minerals and waste policies of the LP are positively prepared and consistent with national policy;
56. Paragraph 11.42 deals with applications for non-waste development close to waste sites. However, the issue is not dealt with by Policy WWE8 even though the policy is dealing with safeguarding of waste facilities. The policy should be expanded to address the issue (**MM**).
57. Policy SP11 sets out the safeguards to be expected in considering mineral extraction proposals but then appears to undermine and qualify the criteria with Section 2. Is Section 2 necessary (**MM**)?
58. Section 3 of Policy M1 refers to safeguarded facilities. Are these identified in the evidence base and should they be shown on the Policies Map? Paragraph 13.6 indicates that Minerals Safeguarding Areas (MSAs) are shown on the Policies Map but this does appear to be the case, although I note that they are shown in Appendix 3

as is existing minerals infrastructure (**AM**). Is the intention to show both MSAs and 'safeguarded facilities' on the updated Policies Map at adoption?

59. In relation to Policy M3 it is indicated that a modification will be made¹ but I could not see this within the Schedule.

Matter 9 – Generic Policies of the Plan (not covered by other Matters)

60. Issues that are likely to be discussed at the hearing session are:

- Whether other generic policies of the LP are positively prepared and consistent with national policy including:
 - The protection offered to non-designated heritage assets by Policy BH8 (Part 8) compared to paragraph 135 of the Framework, noting the proposed modification to the policy (M51);
 - Whether the requirements of Policy NE2 are consistent with national policy;
 - Whether the requirements of Policy WWE3 are consistent with national policy.

61. Policy BH1 includes a requirement that large-scale developments should be supported by masterplans but 'large-scale' is not defined. The policy would be more effective if 'large-scale' was defined either within the policy or its explanation (**MM**).

62. Paragraph 113 of the Framework requires that distinctions should be made between the hierarchy of international, national and locally designated sites. However, Policy NE2 does not appear to clearly distinguish between Sites of Special Scientific Interest, Local Wildlife Sites and Local Nature Reserves in that the tests are very similar. Consideration should be given to modifications to the policy to reflect the hierarchy (**MM**).

63. Criterion 1 of Policy NE3 would benefit from greater clarity. It is not clear whether it is to be applied in cases where development proposes the loss of significant trees, woodlands or hedgerows. If this is the case it should be made clear (**AM**).

64. Paragraph 10.43 refers to valued landscapes. Are there any valued landscapes within the city? The Policies Map does not show any.

65. Paragraph 10.45 expects that applicants submit a Landscape and Visual Impact Assessment. However, it is not clear whether this applies to all applications or those for major or larger scale developments. This should be clarified (**AM**).

66. Policy WWE3 seeks to control surface water run-off. However, whilst the hierarchy of disposal favours SUDS over discharge to a surface water or combined sewer, in my view the policy does not go far enough in requiring disposal via sustainable methods, including limiting run-off to greenfield rates. Discharge via surface water or combined sewers should be seen as a last resort and only allowed exceptionally (**MM**).

¹ Page 162 of SD.7

67. I note that the Council propose a modification to Policy WWE5 in response to representations from the Environment Agency. This modification should be included in the Schedule of MMs or AMs as appropriate.

Matter 10 – Infrastructure and Delivery

68. Issues that are likely to be discussed at the hearing session are:

- The transport schemes referred to in Policy SP10 – their necessity and deliverability;
- Whether other necessary infrastructure will be delivered in a timely fashion e.g. schools, health services;
- The identification of infrastructure in the Infrastructure Delivery Plan (IDP) and its delivery through Policy ID1;
- The delivery of Open Space and other GI.

69. It is noted that the IDP is to be reviewed annually and updated as necessary. It would be helpful if this was emphasised in the explanation to Policy ID1 or in the Glossary (**AM**).

70. Policy ID2 refers to the use of planning obligations to secure infrastructure and the application of standard formulae. I note the commentary within the Compliance Statement (SD. 66 page 578) but is there a risk that the pooling limitations on developer contributions will prevent the delivery of necessary infrastructure? For example, the LP Education Planning Report 2018 (SD.62) identifies the need for S106 contributions to provide new school places but what measures are in place to prevent contributions to school places transgressing the pooling limitations? The Planning Obligations SPD refers to the pooling limitations but does not suggest any measures to ensure that contributions do not fall foul of the restrictions.

71. Policy NE4 refers to major residential development providing amenity greenspace. As with the reference in BH2 is 'major' development as defined by the Glossary to the revised Framework? The definition should be made clear (**MM**).

72. Policy NE4 states that major residential development is also to contribute to other new or enhanced greenspace but there is no specific reference to the amount that would need to be provided either through on-site open space or through an equivalent contribution to allow improvement elsewhere. Paragraph 10.24 indicates that the type of provision would depend on the Greenspace Audit. Should the policy be more prescriptive in indicating the quantity and type of greenspace that should be provided in a similar manner to the requirements for 'amenity greenspace' (**MM**)? Alternatively do Policy ID2 and the Planning Obligations SPD provide sufficient certainty for delivery of greenspace?

73. In framing these questions, I am aware of the Government's consultation on reforming developer contributions and its response to the consultation.

Matter 11 – Monitoring and Implementation

74. Issues that are likely to be discussed at the hearing session are:

- The effectiveness of the Monitoring Framework;

- LP Review Mechanisms.
75. I note the contents of the Monitoring Framework (SD.13) which is a standalone document. Has there been the opportunity to make representations on the Monitoring Framework and if so where can they be found?
 76. Although the Framework is referred to within the LP, it is usual to include a Monitoring Framework within the LP itself. An alternative approach would be to have a short section dealing exclusively with Monitoring within the Implementation Section with a cross reference to the Framework (**MM**).
 77. The Monitoring Section should also have some commentary on key triggers that will lead to a review of the LP. The LP does include references to review in various places, but it would be more effective if these are drawn together in a short section at the end of the Plan (**MM**).
 78. The use of SPDs is also important for the implementation of the Plan's policies. There are inconsistencies between the list of SPDs referred to in the Local Development Scheme (LDS) (page 10 of SD.15) and those mentioned in the Plan. The Plan refers to SPDs dealing with Student Accommodation, the Minister Quarter, Biodiversity and Geodiversity, Design and Design and Access which are not referred to in the LDS. Clarification is required as to which SPDs are already in place and those that are proposed. A paragraph in the implementation section of the Plan on the position with SPDs would assist (**AM**).
 79. Appendix 1 sets out those UDP Policies that are to remain part of the development plan. For completeness the Appendix should also include those policies which are to be replaced by this LP and are therefore, upon its adoption, superseded (**AM**). There are a large number of policies that are to remain. Will none of them be superseded by this Plan, particularly the generic and development management policies?

Other Minor Comments

80. I noted a number of typos when reading the LP and have also suggested some minor changes to assist with clarity. These do not go to soundness but to be helpful I have set these out in **Appendix 2**.

Future Programme

81. I would envisage the following indicative timetable for the examination of the LP up to the hearing stage.
 - Early March 2019 - initial letter and guidance notes sent to Representors
 - 18 March 2019 - Council response to Inspector's Initial Questions;
 - 8 April 2019 - Inspector produces Matters, Issues and Questions (MIQs);
 - 8 April 2019 – 6 weeks' notice given for hearings;
 - 10 May 2019 – deadline for submission of statements for hearings;
 - 13 May 2019 onwards – final agendas prepared for hearings (agendas prepared about 1 week before the relevant hearing);
 - 21 May to 13 June 2019 – hearing sessions.

82. I would welcome the Council's views on this indicative timetable.

Response

83. I would like a response by the Council to the above comments and questions by **18 March 2019**. I am not inviting comments from other parties at this stage. I want to clarify the Council's position first. This will help me to refine Matters and Issues for the hearings and set agendas and questions. All parties with relevant representations will have the opportunity to respond in advance of the hearings should they wish.
84. As referred to earlier, if the Council consider that the point or question could be dealt with by a **MM** or **AM**, then please confirm. As the examination develops Schedules of MMs and AMs should be produced. The former should be in place in draft form in advance of the hearings, preferably published at the same time as any statements when it will become an examination document and inform discussion at the hearings. It will be refined during and after the hearings. This is on the assumption that the Council wish me to recommend any MMs that are necessary to resolve issues of legal compliance or 'unsoundness'.
85. If you require clarification of any of the above points please contact me via the Programme Officer.

Mark Dakeyne

INSPECTOR

March 2019

Attached – Appendices 1 and 2

Appendix 1 – Possible Hearing Programme

Tuesday 21 May

9.30 – Introduction to the Hearings, Legal Compliance, Procedural Requirements and the Duty to Cooperate

13.30 – Spatial Strategy

Wednesday 22 May

09.30 - Housing and Employment OAN and Requirements

13.30 - Housing Land Supply

Thursday 23 May

09.30 – Specific Housing Needs and Standards

13.30 – Employment Land Supply, Employment Policies and Town Centres

Tuesday 4 June

09.30 – Strategies and Allocations for the Urban Core

13.30 – Strategies and Allocations for North Sunderland

Wednesday 5 June

09.30 – Strategies and Allocations for Washington

Thursday 6 June

09.30 – Strategies and Allocations for The Coalfield

13.30 – Strategies and Allocations for South Sunderland

Tuesday 11 June

09.30 – Generic Policies/Minerals and Waste Policies (combined session)

Inspector's site visits

Wednesday 12 June

09.30 – Infrastructure and Delivery/Monitoring and Implementation

13.30 – Reserve Session

Thursday 13 June

09.30 – Review Session

Appendix 2 – Minor Queries and Typos

2. Sunderland Today

Para 2.7 – *'The Urban Core is the main administrative centre of the city...'* (missing 'the')

Para 2.38 – The 2nd sentence is confusing – Should it read: *'As identified in the SHMA, there is a shortage of 3 and 4 bedroom houses to meet families' needs and bungalows and other accommodation to meet older person's needs'.*

Figure 11 on page 20 – the figure in the final column for the Coalfield should be '28.24' not '38.34'.

Para 2.64 – 1st sentence – *'The natural environment is one of our greatest assets....'*

Para 2.69 – Is the aquifer to the east of the city (North Sea!) or to the west?

Para 2.77 – Is the 1st sentence consistent with what is said later in the para about Sunderland being the main contributor to the supply of aggregates in the region?

4. Spatial Strategy

Policy SP2 – the Heritage Action Zone Area for Change is not shown on Figure 13 – The Urban Core Key Diagram.

Policy SS2 – The 'and' should be after criteria 2 not 3.

Policy SP4 – the Carley Hill Regeneration Area is not shown on Figure 23 – The Key Diagram for North Sunderland.

8. Vitality of Centres

Para 8.31 – Could interactive links be provided within the Plan to allow this type of information to be accessed directly?

Para 8.34 – There would be greater clarity if the 1st sentence read: *'Evidence that may be required to support a proposal which would lead to a loss of community facilities could include:*

Policy VC6 vii. What does 'meanwhile' mean? Inclusion within the glossary would assist.

9. Built and Historic Environment

Para 9.5 final sentence – *'Development should take into consideration SPDs on design ~~and~~ which will be a material consideration in the determination of planning applications for relevant proposals.'*

10. Natural Environment

Para 10.5 – there is reference to a Green Infrastructure Delivery Plan. The Green Infrastructure Strategy indicates that a Delivery and Action Plan has been commissioned (SD.46 paragraph 7.4) but I assume that it has not been published as I could not see it amongst the Submission or Supporting Documents.

11. Waste, Water and Energy

Policy WWE8 should include the abbreviations HWRC after 'Household Waste Recycling Centre' as this appears to be the first place that it is used. The abbreviation could then be used in para 11.46.

14. Infrastructure and Delivery

Policy ID2 – title 'Planning Obligations' (plural)?