



R & K Wood Planning LLP

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Dear Sir

Sunderland Core Strategy and Development Plan – Matters, Issues and Questions
Submission of behalf of Mr C S Ford– ID1170835

Matter 7 MIQ Response – Strategy Housing Growth Areas and Safeguarded Land for
Washington

We write with reference to the above and with specific reference to Issue 2 - Identification of Sites and Issue 8 HGA 6 – Rickleton. These responses are supplementary to our previous submissions on the Core Strategy and we would like to make these further comments on the MIQs in line with the guidance published. For ease of reference these comments will be provided under sub headings relating to each issue and the questions posed.

2 – Identification of Sites

In relation to the question of exceptional circumstances for the removal of land in the green belt within Washington, we maintain our view that these exceptional circumstances have not yet been demonstrated. Whilst we acknowledge that green belt release within the plan area and within the Washington area will undoubtedly be required to meet housing need, at present we do not consider that exceptional circumstances have been demonstrated to justify the extent of green belt release currently proposed. This is on the basis that we consider that other non-green belt land remains available, which we consider is capable of development and should be developed prior to consideration of green belt release. Due to the presence of this land in various parts of the plan area including land within settlement breaks, we consider that until these have been fully and exhaustively considered a justification for the full extent of green belt release has not been made. For the avoidance of doubt therefore, we are not objecting to green belt release per se, but do consider that the scale and extent of green belt release as currently proposed has not been sufficiently justified at this point.

Issue 8 HGA6 – Rickleton

In relation to HGA6 we wish to make comments in relation to issues 8.1 on the capability of mitigating constraints on this site and issue 8.4 on the sites ability to be delivered. In relation to this site, it is identified that there are two constraints present which lead us to conclude that at present it is premature to release this land from the green belt and to allocate this land as an HGA for residential development. This view is due to the presence of historic landfill within the site and also significant areas of the site are identified by the Coal Authority as a development high risk area which also includes the presence of coal outcrops.

We make this submission in relation to landfill matters with direct reference to the records of historic landfill on this site as shown within the accompanying DEFRA Spatial Data Records appended to this letter. These show that historic landfill is recorded within a swath of land which dissects the site north east to south west and which covers an area of approximately one quarter of the entire site.

Having reviewed the green belt assessment and justification documents SD29-34 and relevant SHLAA SD.22d, we do not consider that HGA6 has been robustly assessed in a manner consistent with other green belt sites and indeed non green belt sites. The presence of a landfill within the site was noted within the original SHLAA assessment of the site (ref SHLAA 671). This matter does not appear to have been further considered in relation to the green belt release process. It is simply noted along in SD.31 Page 36. A review of the methodology for the assessment of green belt sites indicates that the presence interalia of potential landfill contamination would potentially represent impact which would prevent further consideration of a site within the green belt assessment. This is confirmed in paragraph 3.4 of SD.31. The preceding paragraph 3.3 within SD.31 lists those themes identified for consideration within the assessment methodology and this includes landfill sites. The presence of historic landfill records, it is understood, would normally prevent further consideration of a site allocation based on the methodology adopted. Notwithstanding this, it can be noted that the site is nevertheless proposed for removal from the green belt and to all intents and purposes is therefore 'allocated' for residential development. On the basis of the historic landfill records, this is considered to be premature.

The approach is also inconsistent with the approach adopted to assessment of other non-green belt sites. We would highlight the approach adopted to other land assessments including the SHLAA and settlement break review (SD.22 and SD.48). Within both of these documents' examples can be seen whereby the presence of historic landfill records is deemed to be prejudicial to any further consideration of relevant parcels of land. Notwithstanding this, it can be seen that the green belt assessments contained in SD30 and SD31 do not discount the site on this basis. This conclusion is inconsistent with the SHLAA and DEFRA records. We would also submit, in this context, that it is premature to release this land from the green belt for residential development purposes given that this will effectively establish the principle of development on the site. It is clearly the case with any planning application, even in simplest outline form with all matters reserved, that matters of contamination are required to be assessed pre-determination. This approach is indeed reflected within the other policies of the core strategy and in particular policy HS3. Paragraph 5.11 of the supporting text to HS3 advises that *any potential risks associated with contaminated*

land should be identified and assessed at the pre-application planning stage. We consider that a release of land from the green belt, which has the effect of allocation of the site for development purposes, must be construed to be represent a stage in the process which actually postdates that which would be undertaken at pre-application stage. In our client's own case and their current outline application on SHLAA site 181 – Ref 18/00202/HYB, a historic landfill record is cited by the LPA, to necessitate full intrusive investigation before the principle of development can be considered. The CS approach to this issue is inconsistent. We must therefore conclude that it is yet to be demonstrated that the site can be appropriately mitigated or delivered.

As well as the issues relating to the presence of a landfill on site, it can also be noted that there are significant unresolved issues relating to coal risk. We make this point with specific reference to the two defined development high risk areas, as recorded by the Coal Authority shown on the plan appended to this letter. These Coal Authority records also record the high-risk features as coal outcrops. These two development high risk features run through the full length of the site in a north west to south east direction. It is identified within the green belt assessment methodology and specifically paragraph 3.3 of SD.31 that coal referral areas are one of the matters which will be the subject of assessment as part of the methodology for green belt assessment. Although the presence of the site within a coal referral area has been referred to in the green belt assessment within SD.31, it would appear that an error has been made in relation to the further assessment of coal constraints on this site. Reference to the plans on page 36 of SD.31 show that the presence of coal is noted on site however it can be seen that the two bands of coal which transect the site are incorrectly identified as a coal referral area. This is incorrect. The entirety of the Sunderland area is a coal referral area, the two bands shown on the plan on page 36 of SD.31 are however in fact development high risk areas and coal outcrops, as confirmed by reference to the Coal Authority plans attached to this letter. The full significance of these coal features has therefore not been considered within the green belt assessment due to the fact that they have incorrectly been labelled and referred to as coal referral areas.

The presence of a development high risk area within the site and coal outcrops necessitates a completely different level of assessment to a site being located simply within a coal referral area. The presence of such features gives rise to the potential presence of shallow unrecorded workings, possible ground stability issues and mine gas contamination issues. It would be expected as part of any proposal for development that such issues would be required to be considered and addressed pre-determination of any application even in outline form with all matters reserved. This includes ground investigation and long term mine gas monitoring. We consider that a release of the land from the green belt for residential development purposes, is to all intents and purposes an allocation of the site no dissimilar to an outline permission with all matters reserved. It is clearly the case that such matters should therefore be fully considered prior to the release of the site from the green belt for residential purposes and indeed policy HS3 and the supporting text within paragraph 5.11 of the Core Strategy indicate that such matters should be considered at a pre-application stage. The allocation of a site through its release from the green belt is not considered to be materially different to this. In the absence of any information to demonstrate that this matter has been fully assessed and that mitigation measures have been satisfactorily identified and designed, based on the site-specific circumstances present, it is therefore considered that it is premature to release the site from the green belt. The constraints

on the site cannot be demonstrated to be acceptably mitigated and the site cannot be shown to be deliverable at this stage.

On the basis of these two points, we do not consider that it is appropriate for HGA6 at this point to be allocated for release from the green belt and we do not consider that the assessment undertaken has been sufficiently robust to demonstrate that there are exceptional circumstances to justify the release of this land from the green belt. In this particular case, we consider that the combined constraints of a landfill site and to development high risk areas associated with coal and coal outcrops means it is highly unlikely that this site can be delivered. The constraints imposed on development due to the combined areas of coal risk and landfill mean that larger areas of the site are potentially undevelopable or require extensive mitigation. At present, it is certainly not considered that this site is capable of being considered for residential allocation.

We hope that the information contained in this letter is of assistance in setting out our views on the MIQs and trust that should any further clarification be required you will not hesitate to contact us. We look forward to discussing these matters further at the forthcoming examination in public.

Yours faithfully



Robin Wood

On behalf of Mr C S Ford

