

## **Examination of Newcastle upon Tyne Development and Allocations Plan 2015- 2030**

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### **Schedule of Matters, Issues and Questions**

This document sets out main matters, issues and questions (MIQs) regarding the soundness of the Newcastle upon Tyne Development and Allocations Plan 2015 – 2030 Submission Plan (the Plan). Prior to the forthcoming hearing sessions, responses are invited from participants on the MIQs. Not every policy in the Plan is covered by the MIQs. Instead they are based on the issues I have identified, taking account of the views of the Council and representations.

Further information about the Examination is provided in the accompanying guidance note ED/1 and the provisional hearing programme ED/2, which should be read alongside the MIQs.

The revised National Planning Policy Framework (the Framework) was published on 24 July 2018, with an updated version published on 19 February 2019. Paragraph 214 of the 2019 Framework confirms that under transitional arrangements, the 2012 Framework will apply to plans submitted on or before 24 January 2019. As the Plan was submitted after this date, references in this document to the Framework should be taken to mean the 2019 Framework.

### **Matter 1: Legal Compliance and the Duty to Co-operate**

#### ***Issue***

Whether the Plan been prepared with due regard to legal and procedural requirements and the Duty to Co-operate has been satisfied

#### ***Questions***

- 1.1 Has the Plan been prepared and publicised in accordance with the statutory procedures of the 2004 Act (as amended) and the consultation requirements in the Regulations<sup>1</sup>?
- 1.2 Has the Plan been produced in compliance with the Council's Statement of Community Involvement?

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<sup>1</sup> Regulation 18 and 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

- 1.3 To what extent has the Plan's production been consistent with the Council's Local Development Scheme?
- 1.4 What was the methodology used for the Sustainability Appraisal (SA) and was the approach appropriate? How and when was the process undertaken? To what extent has the SA informed the content of the Plan? Have the likely economic, social and environmental effects of the Plan been adequately and accurately assessed in the SA?
- 1.5 Does the SA test the Plan against all reasonable alternatives?
- 1.6 Has adequate consideration been given to Habitats Regulations Assessment? Will the Plan, alone or in combination, adversely affect any Natura 2000 sites? Has the Council taken account of the judgement in *People over Wind, Peter Sweetman v Coillte Teoranta*? Is Natural England satisfied with the content of the Plan?
- 1.7 Does the Plan as a whole include policies designed to ensure that the development and use of land within the district contributes to the mitigation of, and adaptation to, climate change in accordance with the Act<sup>2</sup>?

### **Duty to Co-operate**

- 1.8 Has the Council engaged constructively, actively and on an ongoing basis with all relevant organisations on any strategic matters of relevance to the plan's preparation, as required by the Duty to Co-operate, and in maximising the effectiveness of the Plan? How have cross boundary issues been addressed through co-operation?
- 1.9 Are there any outstanding concerns from neighbouring authorities or other Duty to Co-operate bodies, and if so, how is it intended to resolve them?

## **Matter 2: Economic Prosperity**

### ***Issue***

Whether the policies seeking to support employment and retail provision in Newcastle are justified, effective, and consistent with national policy and in general conformity with the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne, adopted March 2015 (CSUCP)

### ***Questions***

#### **Employment Sites (Policy DM1)**

The CSUCP identifies a need for a minimum of 80 ha of employment land in Newcastle, inclusive of 410,000m<sup>2</sup> of office space to come forward in Newcastle to 2030. Discussion at this hearing session will, therefore, focus on ensuring that the Plan allocates sufficient land to deliver the employment land requirement as

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<sup>2</sup> Section 19(A) of the Planning and Compulsory Purchase Act (as amended)

set out in the CSUCP. In responding to the following questions, the Council should seek to identify and address specific concerns raised in representations.

- 2.1 What is the basis for the approach to employment development set out in the Plan? Is it consistent with national policy and the CSUCP? Is the approach positively prepared, justified and effective?
- 2.2 Is there a suitable range and choice of proposed and existing employment site allocations, in terms of location, type, quality and size to meet the requirements of the CSUCP?
- 2.3 Was the methodology used to assess and select the proposed employment site allocations appropriate? Were reasonable alternatives considered and tested?
- 2.4 Are the reasons for selecting the preferred sites and rejecting alternative sites clear and consistent?
- 2.5 Are the employment site allocations appropriate and justified in the light of potential constraints, infrastructure requirements and adverse impacts? Is there any risk that any infrastructure requirements, site conditions and/or constraints might prevent or delay development or adversely affect deliverability or viability?
- 2.6 Is Site 9 Site to the West of Goldcrest Way, Newburn Riverside Industry Park deliverable given the 2016 permission for the site for car parking to support the wider employment area?
- 2.7 How has the effect of development on the employment site allocations on heritage assets been considered?
- 2.8 What are the assumptions regarding the site allocations' capacity for development and what are those assumptions based on?
- 2.9 Has the SA adequately assessed the employment site allocations against relevant environmental, social and economic objectives? Can suitable mitigation measures be achieved in order to address any potential adverse effects identified? Are these assumptions realistic?

### **Protection of Employment Sites (Policy DM2)**

- 2.10 Should a greater mix of uses be accommodated on employment site allocations?

### **District and Local Centres (Policy DM3)**

- 2.11 Would Policy DM3 be positively prepared, justified, effective and consistent with national policy and with the CSUCP?
- 2.12 What is the rationale for the boundary of Kingston Park Retail Centre as defined on the policies map and referred to in Policy DM3? Does it function separately from Kingston Retail Park? What effect would the inclusion of the additional large retail units at Kingston Retail Park have on the Kingston Park District Centre?

- 2.13 Is Policy DM3 sufficiently clear to be effective? How do you measure dominance or fragmentation of the centre either individually or cumulatively?
- 2.14 Is Policy DM3 sufficiently flexible to allow centres to grow and diversify in a way that responds to rapid changes in retail and leisure industries?
- 2.15 How does Policy DM3 interact with Policies CS7 and CS14 of the CSUCP and the SPD on hot food takeaways? Why is reference only made to the SPD in the supporting text?
- 2.16 Reference is made in the CSUCP at Policy CS7 and in paragraph 9.31 of the supporting text to local community facilities and an approach being set out in more detail in subsequent Local Development Documents. Where will requirements for protection and provision of community facilities be set out?

#### **Retail and Leisure Impact Assessment (Policy DM4)**

- 2.17 What is the basis for the proposed local floorspace threshold of 500m<sup>2</sup> for impact assessments for retail and leisure development outside centres?

### **Matter 3: Homes**

#### ***Issue***

Whether the approach towards the supply and delivery of housing land is justified, effective and consistent with national policy, in order to ensure the timely delivery of the CSUCP housing requirement for Newcastle

#### ***Questions***

The CSUCP plan period is from 2010 to 2030 and sets the housing requirement for Newcastle. Revising the housing requirement is not within the scope of this Plan. The focus here is on ensuring that the Plan allocates sufficient housing land to deliver the housing requirement as set out in the CSUCP. In responding to the following questions, the Council should seek to identify and address specific concerns raised in representations. Additionally, the Council should provide a table of the proposed housing allocations with updates on the progress of any planning applications and the number of units to be provided within any permissions.

#### **Housing Sites (Policy DM5)**

- 3.1 What is the relationship between the housing requirement in strategic policies in the CSUCP and the policies in this Plan?
- 3.2 Is there a sufficient range and choice of sites allocated in the Plan in terms of location, type and size, to provide adequate flexibility to meet the CSUCP housing requirement for Newcastle to 2030? Would the housing allocations ensure that the Plan would be consistent with the Framework, insofar as it seeks to boost significantly the supply of housing?

- 3.3 What is the expected timescale for development in terms of lead in times and annual delivery rates, are these assumptions realistic and supported by evidence? Is the supply of housing sufficiently flexible in the event of non-delivery of allocated sites?
- 3.4 Was the methodology used to assess and select the proposed site allocations appropriate? Were reasonable alternatives considered and tested?
- 3.5 Are the reasons for selecting the preferred sites and rejecting alternative sites clear and consistent?
- 3.6 Are the proposed housing site allocations appropriate and justified in the light of potential constraints, infrastructure requirements and adverse impacts? Is there any risk that any infrastructure requirements, site conditions and/or constraints might prevent or delay development or adversely affect viability and delivery? Can suitable mitigation measures be achieved in order to address any potential adverse effects identified? Are these assumptions realistic?
- 3.7 A considerable number of the proposed site allocations appear to be rolled forward from the Walker Riverside and Benwell Scotswood Area Action Plans which were adopted in 2007 and 2009 respectively. Are these sites deliverable?
- 3.8 With regard to Site 25 at Land to the South of Hallow Drive Throckley, would allocation of this site be justified? What alternative children's playspace is available in the locality?
- 3.9 With regard to Site 40 Land to the north of Thornley Road, West Denton and Site 41 Land to the south of Hartburn Walk, Kenton, does the need for housing, including specialist/affordable housing, outweigh the loss of protected open space on these sites? What re-provision of open space would be made?
- 3.10 Is the Plan effective and consistent with paragraph 16(d) of the Framework with regard to the lack of indicative housing numbers for housing site allocations in the Plan? Are the assumptions regarding the capacity of the sites in terms of housing numbers and net developable areas justified and what are the assumptions based on?
- 3.11 What status do the development principles have? How have the constraints identified in those development principles affected the capacity of sites?
- 3.12 With regard to Site 15 Land to the south of Brunton Lane (Cell D) Newcastle Great Park, what is the capacity of this site, bearing in mind the permissions for 504 units?
- 3.13 Has the SA adequately assessed the housing allocations against relevant environmental, social and economic objectives?
- 3.14 Should reference be made in policy DM5 to the scope for provision of further housing on unallocated sites within the plan period?
- 3.15 Should a greater mix of uses be accommodated on housing site allocations?

**Accessible and Adaptable Housing (Policy DM6)**

- 3.16 Is Policy DM6 positively prepared, justified, effective and consistent with national policy and guidance and with the CSUCP?
- 3.17 Is there a clearly identified need for 25% of all new homes on developments of 11 or more housing units to be built to accessible and adaptable standard and is this supported by viability evidence?
- 3.18 Should there be any flexibility in Policy DM6?
- 3.19 If requiring off-site contributions towards accessible and adaptable homes if they would not be deliverable on site, should this be addressed in Policy DM6? Is this a reasonable approach?
- 3.20 Is there a need for a transitional period in applying Policy DM6?

**Space Standards (Policy DM7)**

- 3.21 Does Policy DM7 reflect all elements of the Nationally Described Space Standards (NDSS)?
- 3.22 Has the need to use the NDSS and the effect of Policy DM7 on viability been adequately demonstrated?
- 3.23 Is the proposed transitional period appropriate?

**Campus for Ageing and Vitality (CAV) Site (Policy DM9)**

- 3.24 Is there sufficient clarity within Policy DM9 on the expected mix and proportion of uses to allow a masterplan to be developed?
- 3.25 Is the boundary of the CAV site justified?

**Matter 4: Transport and Accessibility*****Issue***

Whether the approach of the Plan in terms of transport and infrastructure, including policies relating to pedestrian and cycle movement (Policy DM10), public transport (Policy DM11), parking and servicing (Policy DM12), road hierarchy (Policy DM13) and mitigation and highway management (Policy DM14), is justified, effective and consistent with national policy and in general conformity with the CSUCP

***Questions***

For each policy listed below, the Council should set out the basis for the policy approach, what it seeks to achieve, and whether it is positively prepared, justified, effective and consistent with national policy. In responding to those matters and any additional questions listed below for specific policies, the Council should identify and address particular concerns raised in representations.

- 4.1 Would Policy DM10 require developers to undertake work on land outside their control? How would this be secured?

- 4.2 Are Policy DM11 and the proposed modification in paragraph 5.2.3 of the supporting text consistent?
- 4.3 Is Policy DM12 on parking and servicing effective as drafted?
- 4.4 Are Policy DM12 and its supporting text at paragraph 5.3.5 consistent?
- 4.5 In order to be positively prepared, should freight routes be included in Policy DM13?

## **Matter 5: People and Place**

### ***Issue***

Whether the approach to the historic, built and natural environment is positively prepared, justified, effective and consistent with national policy and in general conformity with the CSUCP

### ***Questions***

For each policy listed below, the Council should set out the basis for the policy approach, what it seeks to achieve, and whether it is positively prepared, justified, effective and consistent with national policy. In responding to those matters and any additional questions listed below for specific policies, the Council should identify and address particular concerns raised in representations.

### **Historic Environment (Policies DM15 – DM19)**

- 5.1 Is Policy DM15 sufficiently clear in terms of the development proposals to which it would apply and what would be required to support an application?
- 5.2 Given the content of criterion 1 of Policy DM15, is criterion 2 of Policy DM15 necessary for soundness?
- 5.3 Would criterion 3 of Policy DM15 be effective? Are criterion 3 of Policy DM15 and paragraph 6.1.8 of the supporting text consistent?
- 5.4 Would criterion 2 of Policy DM16 be effective and justified?
- 5.5 Are Policy DM17 and its supporting text consistent?
- 5.6 Why does the Council's proposed modification to criterion 3 of Policy DM17 remove reference to the buffer zone and wider landscape when discussing the setting of the Frontiers of the Roman Empire World Heritage Site?
- 5.7 Does paragraph 6.3.8 of the supporting text make a requirement over and above Policy DM17 in relation to the Tyne and Wear Archives?
- 5.8 Is Policy DM18 consistent with national policy, particularly with regard to paragraph 199 of the Framework?
- 5.9 Should Policy DM19 make specific reference to archaeology and landscape?

### **Design (Policies DM20 – DM22)**

- 5.10 Would the inclusion of climate change measures in Policy DM20 affect development viability?
- 5.11 Is it necessary to meet all criteria of Policy DM20 or only those which are relevant and, if not, how would it be established which criteria are relevant?

- 5.12 Paragraph 6.7.2 of the supporting text to Policy DM21 refers to Planning Guidance on acceptable shopfront design. Has the Planning Guidance been prepared?
- 5.13 Is criterion 3 of Policy DM22 consistent with the supporting text at paragraph 6.8.4 in terms of what is expected on a shroud advertisement?

### **Residential Amenity (Policy DM23)**

- 5.14 How does Policy DM23 allow for small-scale B1 business activity as paragraph 6.9.6 of the supporting text suggests?
- 5.15 Paragraph 6.9.3 of the supporting text refers to separation distances between residential buildings. Has the Planning/Design Guidance on separation distances been produced?

### **Environmental and Health Impacts of Development (Policy DM24)**

- 5.16 Would all criteria of Policy DM24 be applied to every development?

### **Airport Safety (Policy DM25)**

- 5.17 With regard to paragraph 6.11.3 of the supporting text to Policy DM25, which proposals would be assessed? Does this relate only to wind farms?

### **Flood Risk and Water Management (Policy DM26)**

- 5.18 Is Policy DM26 justified, effective and consistent with national policy and the CSUCP?

### **Protecting and Enhancing Green Infrastructure (Policy DM27)**

- 5.19 Is Policy DM27 justified, effective and consistent with national policy and the CSUCP?
- 5.20 Is the mapping of the Strategic Green Infrastructure Network justified?

### **Trees and Landscaping (Policy DM28)**

- 5.21 Is Policy DM28 justified, effective and consistent with national policy?
- 5.22 With regard to criterion 1 (ii) of Policy DM28, what is meant by historical importance of the area in relation to trees and landscaping?

### **Protecting and Enhancing Biodiversity and Habitats (Policy DM29)**

- 5.23 Is Policy DM29 justified, effective and consistent with national policy?
- 5.24 Is sufficient coverage provided by Policy DM29 with regard to geodiversity?
- 5.25 Is the Wildlife Enhancement Corridor at Newcastle Airport compatible with the requirements of Policy DM25?
- 5.26 Are the Wildlife Enhancement Corridors in Policy DM29 and identified on the policies map justified and consistent with national policy?

### **Protecting Open Space (Policy DM30)**

- 5.27 Is Policy DM30 justified, effective and consistent with national policy?

- 5.28 The assessment required by Policy DM30 refers to open space standards, but sports, recreational buildings and land are referred to in Policy DM30. How are these matters assessed?
- 5.29 Is Policy DM30 sufficiently flexible to deal with different site-specific circumstances?
- 5.30 If requiring off-site contributions if open space, sports and recreational buildings could not be delivered on site, should this be addressed in Policy DM30? Is this a reasonable approach?

### **Provision of Open Space, Sports and Recreational Buildings (Policy DM31)**

- 5.31 Are the open space standards set out in Table 3 to Policy DM31 justified and consistent with national policy?
- 5.32 Does Policy DM31 address sports facilities or only sports and recreational buildings? Should sports and recreational buildings and facilities be addressed in detail in Policy DM31?
- 5.33 Is Policy DM31 sufficiently flexible to address different site-specific circumstances?
- 5.34 Has account of the requirements of Policy DM31 been taken in viability testing the Plan?
- 5.35 If requiring off-site contributions if open space, sports and recreational buildings could not be delivered on site, should this be addressed in Policy DM31? Is this a reasonable approach?

### **Policy DM32 – Green Belt Development (Policy DM32)**

- 5.36 Is Policy DM32 consistent with national policy and the CSUCP?
- 5.37 Part 1 of Policy DM32 refers to limited infill development, while paragraph 6.18.2 of the supporting text refers to extensions. Is this consistent?
- 5.38 Does part 2 of Policy DM32 cover the whole Green Belt in Newcastle's area?

## **Matter 6: Minerals, Waste, and Infrastructure**

### ***Issue***

Whether the approach to minerals, waste and infrastructure is positively prepared, justified, effective and consistent with national policy and in general conformity with the CSUCP

### ***Questions***

#### **Minerals Extraction and Reclamation (Policy DM33)**

- 6.1 Is Policy DM33 positively prepared, justified, effective and consistent with national policy and guidance and with the CSUCP?

**Area of Search (Policy DM34)**

6.2 Is Policy DM34 positively prepared, justified, effective and consistent with national policy and guidance and with the CSUCP?

**Recycling and Refuse Storage Provision (Policy DM35)**

6.3 Are all developments expected to demonstrate innovative design of waste facilities?

**Telecommunications and Digital Infrastructure (Policy DM36)**

6.4 Would criterion 2 of Policy DM36 be positively prepared, justified, effective and consistent with national policy? How would major developments demonstrate compliance with criterion 2 of Policy DM36?

**Matter 7: Monitoring*****Issue***

Whether the Plan would be able to be monitored effectively to ensure timely delivery of its proposals and in conformity with the CSUCP

***Questions***

- 7.1 How would the implementation of the Plan policies be achieved? What mechanisms are there to assist development sites in coming forward?
- 7.2 How would the implementation of the Plan be monitored? Would it be effective? How would the results of monitoring be acted upon, for example what would trigger a review of the Plan?
- 7.3 Is it appropriate that the trigger for remedial action for Policy DM5 is delivery of housing significantly and persistently below the target set out in CSUCP Policy CS10? Should this be defined by a percentage?
- 7.4 How would Policies DM10 and DM12 be monitored effectively?
- 7.5 In terms of monitoring, should Policy DM17 be linked to an CSUCP indicator?
- 7.6 With regard to Policy DM19, how would inappropriate development affecting the battlefield be monitored?
- 7.7 With regard to Policy DM27, how will the loss or delivery of Green Infrastructure assets be monitored?

*Joanna Gilbert*

INSPECTOR

3 May 2019