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Dear Planning Policy Team,

SOUTH TYNESIDE LOCAL PLAN: PUBLICATION DRAFT (REGULATION 19)

1. Thank you for consulting with the Home Builders Federation (HBF) on the South Tyneside Publication Draft Local Plan.
2. The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes multi-national PLC's, regional developers and small, local builders. In any one year, our members account for over 80% of all new "for sale" market housing built in England and Wales as well as a large proportion of newly built affordable housing.
3. The HBF would like to submit the following comments upon selected policies within the publication consultation document. These responses are provided in order to assist South Tyneside Council in the preparation of the emerging local plan. The HBF is keen to ensure that the Council produces a sound local plan which provides for the housing needs of the area.
4. The HBF notes that the Local Plan is intended to replace the Core Strategy, Development Management Policies, South Shields Town Centre and Waterfront AAP, Central Jarrow AAP and Site Specific Allocations documents, but not the International Advanced Manufacturing Park AAP.
5. The HBF also notes that whilst the NPPF was updated on 19th December 2023, the transition guidance set out in the new NPPF¹ states that the policies in the December 2023 NPPF will apply for the purpose of examining plans where those plans reach regulation 19 stage after 19th March 2024. Plans that reach pre-submission consultation on or before this date will be examined under the previous version of the NPPF.

¹ NPPF December 2023 paragraph 230



Plan Period

6. The Council are proposing a Plan period from April 1st 2023 to 31st March 2040, with the Council assuming that the Plan will be adopted in approximately 2025, this is amended from the previous plan period. The HBF considers that this could be appropriate if Council move to adoption to their assumed timescales of 2025, this is in line with the NPPF² which states strategic policies should look ahead over a minimum 15-year period from adoption and that where larger scale developments form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take in account the likely timescale for delivery.

Vision and Objectives

7. The HBF generally supports Strategic Objective 5 which looks for the Council to increase the supply and choice of new high-quality homes throughout South Tyneside. New homes will meet the needs of existing residents and those wishing to move to the area and include different housing types and tenures, including affordable housing.

Policy SP1: Presumption in favour of Sustainable Development

Policy SP1 is not considered to be sound as it is not consistent with national policy for the following reasons:

8. This policy sets out the Council's approach to the presumption in favour of development. The HBF considers that whilst it can be useful for the Council to set out how they will take a positive approach to development, it is not necessary to repeat policies contained within the NPPF. The HBF recommends that this text be included as part of the introductory text rather than as a policy.

Policy SP2: Strategy for Sustainable Development to meet identified needs

Policy SP2 is not considered to be sound as it is not positively prepared, not justified and not consistent with national policy for the following reasons:

9. This policy states that the Plan will deliver 5,253 new homes (equivalent to 309 dwellings per annum (dpa)) and a minimum of 49.41 ha of land for economic development. This is a reduction in the housing requirement from the previous consultation document which proposed 5,778 net additional dwellings (equivalent to 321dpa). The Council state that to determine the minimum number of homes needed a local housing needs assessment has been conducted using the standard method, and that this has concluded that for the plan period (1st April 2023 to 31st March 2040) 309 dwellings are required each year.
10. The NPPF³ states that to determine the minimum number of homes needed, strategic policies should be informed by a local housing needs assessment, conducted using the standard method set out in the PPG. The PPG sets out the method for calculating the minimum annual local housing need figure⁴. The Standard Method identifies a minimum

² NPPF September 2023 paragraph 22 / December 2023 Paragraph 22

³ NPPF September 2023 Paragraph 61 / December 2023 Paragraph 61

⁴ PPG ID:2a-004-20201216

Local Housing Need (LHN) of 305dpa⁵. This is slightly lower than that identified in the Strategic Housing Market Assessment (SHMA) 2023 which identified an LHN of 309dpa, this is due to the use of the 2014 data for 2023-2033 period in the SHMA. The PPG⁶ also sets out when it might be appropriate to plan for a higher housing need figure than the standard method, these include where there are growth strategies for the area, where there are strategic infrastructure improvements, where an authority is taking unmet need from a neighbouring authority, and where previous levels of housing delivery, or previous assessments of need are significantly greater than the outcome from the standard method.

11. The HBF considers that the Council should review the housing requirement to ensure that it reflects the local housing need identified by the standard method and gives consideration to the circumstances where a higher figure would be appropriate. The SHMA has highlighted the North East Local Enterprise Partnership's (NELEP) Strategic Economic Plan, which it states looks for 25,000 new jobs for South Tyneside by 2031. However, no evidence is provided to demonstrate the balance between the employment needs and aspirations and the housing requirement. Therefore, it is not apparent that the policy is in line with the NPPF⁷ which states that planning policies should seek to address potential barriers to investment, such as housing.
12. The SHMA (2023) identified a need for an additional 361 affordable units per year, including social / affordable units or intermediate tenure. It is noted that the PPG⁸ states that an increase in the total housing figures included in the plan may need to be considered where it could help deliver the required number of affordable homes. Therefore, the HBF considers that the Council should also be taking this affordable housing requirement into consideration as part of their housing requirement.

Policy SP3: Spatial Strategy for sustainable development

Policy SP3 is not considered to be sound as it is not positively prepared, not justified and not consistent with national policy for the following reasons:

13. This policy sets out the spatial strategy it looks to focus housing in the main urban areas of South Shields, Hebburn, Jarrow; securing sustainability and vitality of the villages of Cleadon, Whitburn and the Boldons; encouraging the re-use of suitable and viable brownfield land; the delivery of housing in sustainable locations through the allocation of sites in the Main Urban Areas and by amending the Green Belt boundary to allocate Urban and Village sustainable growth areas; and the creation of a new sustainable community within the Fellgate Sustainable Growth Area.
14. The HBF considers that it is important that the spatial distribution of sites follows a logical hierarchy, provides an appropriate development pattern and supports sustainable development within all market areas. The HBF supports the Council in amending Green

⁵ MHCLG Household Projections 2014 2024: 71,379, 2032:74,249, average change 287. Adjustment factor 2022: 1.0638.

⁶ PPG ID: 2a-010-20201216

⁷ NPPF Sept 2023 Paragraph 82 / NPPF Dec 2023 Paragraph 86

⁸ PPG ID: 2a-024-20190220

Belt boundaries and identifying exceptional circumstances to ensure that the housing need is met. However, the Council will need to ensure that they are meeting all aspects of need in the housing market, across the borough. The HBF also note that there is no consideration of safeguarded land which would ensure that the Council can meet the longer-term development needs and maintain an appropriate spatial strategy. The HBF considers that this is not in line with the NPPF⁹ which states that when defining green belt boundaries plans should be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period.

Policies SP4-8: Housing Allocations

Policies SP4-8 is not considered to be sound as it is not positively prepared, not justified and not consistent with national policy for the following reasons:

15. This policy identifies housing allocations. There appear to be 25 housing allocations in the Main Urban Area identified in Policy SP4 with an indicative capacity of 849 dwellings. There are then Strategic Allocations at the Former Brinkburn Comprehensive School for approximately 151 dwellings; and at the former Chuter Ede Education Centre for 120 extra care residential units and approximately 70 dwellings. Policy SP7 identifies 6 Urban and Village Sustainable Growth areas with an indicative capacity of 1,108 dwellings. Policy SP8 identifies the Fellgate Sustainable Growth Area and proposes it will deliver approximately 1,200 dwellings. Giving an overall total of 3,498 dwellings, including the 120 extra units. The Local Plan housing requirement is identified as 5,253 dwellings.
16. The HBF has no comments on the individual proposed housing allocations in Policies SP4-8 and these representations are submitted without prejudice to any comments made by other parties. The HBF is keen that the Council produces a plan which can deliver against its housing requirement. To do this it is important that a strategy is put in place which provides a sufficient range of sites to provide enough sales outlets to enable delivery to be maintained at the required levels throughout the plan period. The HBF and our members can provide valuable advice on issues of housing delivery and would be keen to work proactively with the Council on this issue.
17. The Plan's policies should ensure the availability of a sufficient supply of deliverable and developable land to deliver South Tyneside's housing requirement. This sufficiency of housing land supply (HLS) should meet the housing requirement, ensure the maintenance of a 5 Year Housing Land Supply (YHLS), and achieve Housing Delivery Test (HDT) performance measurements. The HBF also strongly recommends that the plan allocates more sites than required to meet the housing requirement as a buffer. This buffer should be sufficient to deal with any under-delivery which is likely to occur from some sites and to provide flexibility and choice within the market. Such an approach would be consistent with the NPPF requirements for the plan to be positively prepared and flexible.

⁹ NPPF Sept 2023 paragraph 143 / NPPF Dec 2023 paragraph 148

18. The Council's overall HLS should include a short and long-term supply of sites by the identification of both strategic and non-strategic allocations for residential development. Housing delivery is optimised where a wide mix of sites is provided, therefore strategic sites should be complimented by smaller non-strategic sites. The widest possible range of sites by both size and market location are required so that small, medium and large housebuilding companies have access to suitable land to offer the widest possible range of products. A diversified portfolio of housing sites offers the widest possible range of products to households to access different types of dwellings to meet their housing needs. Housing delivery is maximised where a wide mix of sites provides choice for consumers, allows places to grow in sustainable ways, creates opportunities to diversify the construction sector, responds to changing circumstances, treats the housing requirement as a minimum rather than a maximum and provides choice / competition in the land market.
19. The Council should also ensure it has identified at least 10% of its housing requirement on sites no larger than one hectare or else demonstrate strong reasons for not achieving this target in line with the NPPF requirements.

Policy 1: Promoting Healthy Communities

Policy 1 is not considered to be sound as it is not justified and not consistent with national policy for the following reasons:

20. This policy requires new major developments to contribute to improving health and reducing health inequalities by requiring a Health Impact Assessment (HIA) to be submitted for residential schemes for 100 or more dwellings.
21. The HBF generally supports plans that set out how the Council will achieve improvements in health and well-being. In preparing its local plan the Council should normally consider the health impacts with regard to the level and location of development. Collectively the policies in the plan should ensure health benefits and limit any negative impacts and as such any development that is in accordance with that plan should already be contributing positively to the overall healthy objectives of that area.
22. The PPG¹⁰ sets out that HIAs are 'a useful tool to use where there are expected to be significant impacts' but it also outlines the importance of the local plan in considering the wider health issues in an area and ensuring policies respond to these. As such Local Plans should already have considered the impact of development on the health and well-being of their communities and set out policies to address any concerns. Consequently, where a development is in line with policies in the local plan a HIA should not be necessary. Only where there is a departure from the plan should the Council consider requiring a HIA. In addition, the HBF considers that any requirement for a HIA should be based on a proportionate level of detail in relation the scale and type of development proposed. The requirement for HIA for development proposals of 100 dwellings or more without any specific evidence that an individual scheme is likely to have a significant impact upon the health and wellbeing of the local population is not justified by reference

¹⁰ PPG ID:53-005-20190722

to the PPG. Only if a significant adverse impact on health and wellbeing is identified should a HIA be required, which sets out measures to substantially mitigate the impact.

23. The Viability Assessment does not appear to have included any assessment of costs associated with this policy in either contributing to improving health and reducing health inequalities or for providing the HIA.

Policy SP15: Climate Change

Policy SP15 is not considered to be sound as it is not justified and not consistent with national policy for the following reasons:

24. This policy states that to meet the challenge of mitigating and adapting to the effects of climate change a comprehensive approach to delivering sustainable development and reducing carbon emissions is required. It states that this will be achieved through a number of criteria including by requiring development to reduce carbon emissions by embedding sustainable principles into the design, construction and operation of developments; and reducing greenhouse gas emissions through the delivery of low carbon heating networks and renewable energy generation.
25. The HBF supports the Council in seeking to meet the challenge of mitigating and adapting to the effects of climate change. The HBF considers that the Council should ensure that this policy is only implemented in line with the December 2023 Written Ministerial Statement¹¹ which states that ‘a further change to energy efficiency building regulations is planned for 2025 meaning that homes built to that standard will be net zero ready and should need no significant work to ensure that they have zero carbon emissions as the grid continue to decarbonise. Compared to varied local standards, these nationally applied standards provide much-needed clarity and consistency for businesses, large and small, to invest and prepare to build net-zero ready homes’. It goes on to state that ‘the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations. The proliferation of multiple, local standards by local authority area can add further costs to building new homes by adding complexity and undermining economies of scale. Any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale’. The HBF considers as such it would be appropriate to make reference to the Future Homes Standard and the Building Regulations as the appropriate standards for development. The Council will also be aware that the Future Homes and Buildings Standards: 2023 consultation¹² has been released covering Part L (conservation of fuel and power), Part F (ventilation) and Part O (overheating).
26. The Viability Assessment does not appear to have included any assessment of costs associated with this policy in relation to embedding sustainable principles into the design, construction and operation of developments or in relation to reducing

¹¹ <https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/hcws123>

¹² <https://www.gov.uk/government/consultations/the-future-homes-and-buildings-standards-2023-consultation/the-future-homes-and-buildings-standards-2023-consultation>

greenhouse gas emissions through the delivery of low carbon heating networks. However, it is noted that the Viability Update 2023 has given consideration to changes to part L of the Building Regulations and whilst it has mentioned the Future Homes Standard, due to uncertainties around what it will require the costs associated with this have not been included.

Policy 5: Reducing energy consumption and carbon emissions

Policy 5 is not considered to be sound as it is not justified and not consistent with national policy for the following reasons:

27. This policy states that all development shall embody sustainable design and carbon reduction measures as far as possible, with an emphasis on a whole life carbon approach, and that development which achieves zero carbon will be supported.
28. The policy goes on to states that development shall incorporate sustainable design and construction practices including water efficiency that meets the highest national standard. The HBF notes that the Building Regulations require all new dwellings to achieve a mandatory level of water efficiency of 125 litres per day per person, which is a higher standard than that achieved by much of the existing housing stock. This mandatory standard represents an effective demand management measure. The Optional Technical Housing Standard is 110 litres per day per person.
29. As set out in the NPPF¹³, all policies should be underpinned by relevant and up to date evidence, which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned. Therefore, a policy requirement for the optional water efficiency standard must be justified by credible and robust evidence. If the Council wishes to adopt the optional standard for water efficiency of 110 litres per person per day, then the Council should justify doing so by applying the criteria set out in the PPG. PPG¹⁴ states that where there is a *'clear local need, Local Planning Authorities (LPA) can set out Local Plan Policies requiring new dwellings to meet tighter Building Regulations optional requirement of 110 litres per person per day'*. PPG¹⁵ also states the *'it will be for a LPA to establish a clear need based on existing sources of evidence, consultations with the local water and sewerage company, the Environment Agency and catchment partnerships and consideration of the impact on viability and housing supply of such a requirement'*. The Housing Standards Review was explicit that reduced water consumption was solely applicable to water stressed areas. The North East and South Tyneside are not considered to be an area of Water Stress as identified by the Environment Agency¹⁶. Therefore, the HBF considers that requirement for optional water efficiency standard is not justified nor consistent with national policy in relation to need or viability and should be deleted.

¹³ NPPF Sept 2023 paragraph 31 / NPPF Dec 2023 paragraph 31

¹⁴ ID: 56-014-20150327

¹⁵ ID: 56-015-20150327

¹⁶ 2021 Assessment of Water Stress Areas Update:

<https://www.gov.uk/government/publications/water-stressed-areas-2021-classification>

30. Part 3 of the policy states that major development shall include a Sustainability Statement outlining their approach to: adaptation to climate change; carbon reduction; water management; site waste management; and use of materials.
31. The HBF considers it is unnecessary to require a Sustainability Statement to be submitted with all major planning applications, this requirement should be proportionate to the scale of the development, and should accept that it may only refer to details provided in other evidence submitted with the application.
32. The Viability Assessment does not appear to have included any assessment of costs associated with this policy, it does not appear to have included costs associated with the need for development to incorporate water efficiency to the highest national standard or in relation the cost of preparing a Sustainability Statement or in relation to the costs associated with the sustainable design.

Policy 6: Renewables and Low Carbon Energy Generation.

Policy 6 is not considered to be sound as it is not justified and not consistent with national policy for the following reasons:

33. Part 4 of this policy states that major developments will be required, via a Sustainability Statement, to assess the feasibility of connecting to an existing decentralized energy network, or where this is not possible, assess the feasibility of a new network. Whilst Part 6 states that developments within 400m of an existing network or an emerging network shall be designed ready to connect.
34. The HBF considers that it is important that this is not seen as requirement to connect to a heat network and is instead implemented in relation to the assessment of feasibility, with the use of heat networks determined by the developer. Heat networks are one aspect of the path towards decarbonising heat, however currently the predominant technology for district-sized communal heating networks is gas combined heat and power (CHP) plants. Over 90% of district networks are gas fired. As 2050 approaches, meeting the Government's climate target of reducing greenhouse gas emissions to net zero will require a transition from gas-fired networks to renewable or low carbon alternatives such as large heat pumps, hydrogen or waste-heat recovery but at the moment one of the major reasons why heat network projects do not install such technologies is because of the up-front capital cost. The Council should be aware that for the foreseeable future it will remain uneconomic for most heat networks to install low-carbon technologies. This may mean that it is more sustainable and more appropriate for developments to utilise other forms of energy provision, and this may need to be considered.
35. Government consultation on Heat Network Zoning¹⁷ also identifies exemptions to proposals for requirements for connections to a heat network these include where a

¹⁷ Heat Networking Zoning consultation (2021)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1024216/heat-network-zoning-consultation.pdf

connection may lead to sub-optimal outcomes, or distance from the network connection points and impacts on consumers bills and affordability.

36. Furthermore, some heat network consumers do not have comparable levels of satisfaction as consumers on gas and electricity networks, and they pay a higher price. Currently, there are no sector specific protections for heat network consumers, unlike for people on other utilities such as gas, electricity or water. A consumer living in a building serviced by a heat network does not have the same opportunities to switch supplier as they would for most gas and electricity supplies.
37. The Viability Assessment does not appear to include a cost for assessing the feasibility of connecting to a district heating system or to connect to a heating network.

SP16: Housing Supply and Delivery

Policy SP16 is not considered to be sound as it is not positively prepared, not justified and not consistent with national policy for the following reasons:

38. This policy states that the Council will work with Partners and landowners to deliver South Tyneside’s overall housing requirement of 5,253 net additional dwellings (309 per year) and maintain a rolling five-year land supply. It suggests that this will be done by allocating sites, making provision for homes in the East Boldon and Whitburn Village Neighbourhood Forum Areas, windfall development, small sites, conversion and change of use.
39. Table 2 (copied to the right) within the justification text sets out the Council's housing requirement and supply. It suggests that the Council needs to allocate 3,443 new homes during the Plan period. It is noted that Policies SP4-8 allocate sites with an indicative capacity of 3,498 dwellings, including 120 extra-care units.
40. The justification text suggests that over the past five years there have been an average of 113 windfall dwellings each year, however, the Strategic Housing Land Availability Assessment (SHLAA) accounts for a windfall rate of 37 dwellings per year from year 6. The HBF would generally recommend that an allowance for windfall should not be included in the supply and instead should form part of the flexibility in supply. However, the HBF recommends that if the Council intends to include an allowance for windfall that they have an appropriate evidence base to support this, this would be in line with the NPPF¹⁸ which states that where an allowance is made for windfall sites there should be compelling evidence that they will provide a reliable source of supply and should be realistic having regard to the historic windfall delivery rate and expected future trends.

Table 2 Residual Housing Requirement

A	Local Plan minimum housing requirement 2023 to 2040	5253
B	Commitments (at November 2023)	1475
C	Completions (net) (April 2023 – November 2023)*	122
D	10% lapse rate for commitments on sites not yet started	95
E	Projected demolitions / losses	165
F	Windfalls	444
G	Brownfield Register (small sites)	30
H	Residual housing requirement = A – B - C + D + E - F – G	3443

* Including sites with a resolution to grant

¹⁸ NPPF Sept 2023 paragraph 71 / NPPF Dec 2023 paragraph 72

41. The supply also includes 30 dwellings from the Brownfield Register, the justification text suggests that these are sites that are less than 5 dwellings that are expected to be delivered during the Plan period. The HBF considers that it will be important to ensure that there is not any overlap between these dwellings and the windfall supply, and to ensure that there is appropriate evidence to show that these dwellings will come forward within the Plan period.
42. As set out previously, the Council's housing land supply should include a short and long-term supply of sites with both strategic and non-strategic allocations for residential development. Housing delivery is optimised where a wide mix of sites is provided, with a range of sites by both size and market location. A wide mix of sites provides choice for consumers, allows places to grow in sustainable ways, creates opportunities to diversify the construction sector, responds to changing circumstances, treats the housing requirement as a minimum rather than a maximum and provides choice and competition in the land market. The Council should identify at least 10% of its housing requirement on sites no larger than one hectare or else demonstrate strong reasons for not achieving this target in line with the NPPF requirements.
43. The Council should also provide some headroom between its minimum housing requirement and overall housing land supply. Whilst there is no numerical formula to determine the appropriate quantum of headroom, if the Local Plan is highly dependent upon one or relatively few sites and geographical locations then greater numerical flexibility is necessary than where supply is based on a more diversified portfolio of sites.
44. Part 7 of the policy states that the Council will maintain a five-year land supply and will introduce a range of contingency measures where the supply or delivery is projected to fall below the housing requirements. The justification text suggests that these actions may include implementing measures required by the housing delivery test (HDT), drawing upon more up to date supply information, and the partial and early review of the Plan, which may include further consideration of releasing additional land from the Green Belt.
45. The HBF notes that the Council has sought to reduce the level of land to be released from the Green Belt, justification in relation to the specific sites no longer being taken forward is set out the Site Selection Topic Paper. The HBF also notes that proposals to safeguard land are no longer being taken forward by the Council, as the Council considers that inclusion of Safeguarded Land would result in the further alteration of Green Belt boundaries which would go beyond meeting identified needs for the Plan period. Given the limited flexibility in the housing land supply currently identified, and the Council's suggested contingency measures, it would appear that the Council is acknowledging that it will continue to need to release land in the Green Belt to meet future needs. Therefore, the HBF would recommend that the Council should be seeking to identify Safeguarded Land this would be in line with the NPPF¹⁹ which states that when defining Green Belt boundaries plans should, where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the Plan period. It also states that when

¹⁹ NPPF Sept 2023 paragraph 143 / NPPF Dec 2023 paragraph 148

defining Green Belt boundaries plan should be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the Plan period.

Policy 14: Housing Density

Policy 14 is not considered to be sound as it is not justified and not consistent with national policy for the following reasons:

46. This policy states that proposals for residential development will be permitted provided that the development optimises the density of the site, taking in to account the location and character of the area. The justification text provides the expected density for developments they range from 60 dwellings per hectare (dph) within 400m of Jarrow and Inner South Shields Character Areas, to 55dph within 400m of the Borough's defined town, district and local centres or Metro stations, 45dph between 400-800m and 35dph beyond 800m.
47. The NPPF²⁰ states that plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible . . . and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport.
48. The HBF considers that the Council should ensure that the policy is in line with the NPPF, but also ensure that it includes a level of flexibility. The HBF would recommend clarity around the use of the Density Study recommendations set out in the justification text and amendments to create greater flexibility to allow developers to take account of to individual site characteristics and evidence in relation to demand, market aspirations and viability.
49. The HBF considers that it is important to ensure that the density requirements do not compromise the delivery of homes in sustainable locations to meet local needs. The Council will need to ensure that consideration is given to the full range of policy requirements as well as the density of development, this will include the provision of M4(2) and M4(3) standards, the NDSS, the provision of cycle and bin storage, the mix of homes provided, the availability of EV Charging and parking, any implications of design coding and the provision of tree-lined streets, highways requirements, and the potential requirements in relation to Biodiversity Net Gain, changes to the Building Regulations requirements in relation to heating and energy and the Future Homes Standard.

Policy 18: Affordable Housing

Policy 18 is not considered to be sound as it is not positively prepared, not justified and not consistent with national policy for the following reasons:

50. This policy states that 10 or more dwellings or development on a site of 0.5ha or more, will be required to deliver affordable housing where appropriate and viable. It goes on to set the affordable housing requirements for areas across the borough, ranging from 10% in South Shields and Jarrow, 15% in Hebburn, 20% in West Bolden and Bolden Colliery

²⁰ NPPF Sept 2023 paragraph 125 / NPPF Dec 2023 paragraph 129

and 25% East Boldon and Whitburn Village and 30% in Cleadon. It also sets out how the 10% affordable home ownership and First Homes requirements will be met in each area. In relation to First Homes the justification text refers to the Discounted Market Sales Policy Statement and the First Homes Interim Policy Statement. The policy does allow for viability evidence to be submitted where the affordable housing requirements would make a scheme unviable and for alternative provision to be made.

51. The justification text for the policy states that the SHMA (2023) identified a need for an additional 361 affordable units per year, including social / affordable units or intermediate tenure.
52. The HBF has significant concerns how the Council intend to deliver the 361 affordable dwellings needed each year to meet local need if the housing requirement is only 309dpa. The affordable need equates to more than the housing requirement (117%). It is noted that the PPG²¹ states that an increase in the total housing figures included in the plan may need to be considered where it could help deliver the required number of affordable homes. Therefore, the HBF considers that the Council should also be taking this affordable housing requirement into consideration as part of their housing requirement.
53. The HBF supports the need to address the affordable housing requirements of the borough. The NPPF²² is, however, clear that the derivation of affordable housing policies must not only take account of need but also viability and deliverability. The Council should be mindful that it is unrealistic to negotiate every site on a one-by-one basis because the base-line aspiration of a policy or combination of policies is set too high as this will jeopardise future housing delivery.
54. The Viability Assessment Update 2023 shows the viability challenges in the Borough, these have worsened since the Viability Assessment in 2021. The Viability Assessment recommended the affordable housing proportions currently used in the Plan. However, these do not quite correlate with test 3 set out in the Assessment, but this is closer than other assessments, it continues to show significant challenges in viability.

Policy 19: Housing Mix

Policy 19 is not considered to be sound as it is not positively prepared, not justified and not consistent with national policy for the following reasons:

55. This policy looks for housing development to provide an appropriate mix of housing types, sizes and tenures to meet identified needs. Additionally, it looks to increase the supply of detached homes in the Borough; looks to increase the choice of suitable accommodation for the elderly; encourage the inclusion of self-build and custom build homes as part of larger housing developments; and ensures new homes meet the needs of our aging population and are accessible to all.

²¹ PPG ID: 2a-024-20190220

²² NPPF Sept 2023 Paragraph 34 / NPPF Dec 2023 Paragraph 34

56. The HBF understands the need for a mix of house types, sizes and tenures and is generally supportive of providing a range and choice of homes to meet the needs of the local area. It is, however, important that any policy is workable and ensures that housing delivery will not be compromised or stalled due to overly prescriptive requirements, requiring a mix that does not consider the scale of the site or the need to provide significant amounts of additional evidence.
57. The HBF recommends a flexible approach is taken regarding housing mix which recognises that needs and demand will vary from area to area and site to site; ensures that the scheme is viable; and provides an appropriate mix for the location. The HBF also recommends that the evidence required to support the housing mix is proportionate to the development and is not overly onerous.
58. The HBF would seek clarity around the wording that development should also seek to ensure new homes are accessible to all. It is not clear if this seeking the M4(2) standard for all homes or some other standard. If this is in relation to Policy 20 technical design standards for new homes it would be useful to refer to the policy.

Policy 20: Technical Design Standards for New Homes

Policy 20 is not considered to be sound as it is not positively prepared, not justified and not consistent with national policy for the following reasons:

59. This policy looks for up to 5% of new build housing in developments of 50 homes or more to be wheelchair accessible or easily adaptable for residents who are wheelchair users (M4(3) Category 3 Wheelchair User dwellings). It goes on to state that all residential dwellings should be designed to be accessible and adaptable (M4(2)), except where it can be demonstrated that this is impractical or unviable due to site specific constraints.
60. The HBF is generally supportive of providing homes that are suitable to meet the needs of older people and disabled people. However, if the Council wishes to adopt the higher optional standards for accessible, adaptable and wheelchair homes the Council should only do so by applying the criteria set out in the PPG. The PPG²³ identifies the type of evidence required to introduce a policy requiring the M4 standards, including the likely future need; the size, location, type and quality of dwellings needed; the accessibility and adaptability of the existing stock; how the needs vary across different housing tenures; and the overall viability. It is incumbent on the Council to provide a local assessment evidencing the specific case for South Tyneside which justifies the inclusion of optional higher standards for accessible and adaptable homes in its Local Plan policy. If the Council can provide the appropriate evidence and this policy is to be included, then the HBF recommends that an appropriate transition period is included within the policy.
61. The PPG also identifies other requirements for the policy including the need to consider site specific factors such as vulnerability to flooding, site topography and other circumstances, and the ability to provide step-free access.

²³ ID: 56-007-20150327

62. The Council should also note that the Government response to the Raising accessibility standards for new homes²⁴ states that the Government proposes to mandate the current M4(2) requirement in Building Regulations as a minimum for all new homes, with M4(1) applying in exceptional circumstances. This will be subject to a further consultation on the technical details and will be implemented in due course through the Building Regulations. M4(3) would continue to apply as now where there is a local planning policy in place and where a need has been identified and evidenced.

Policy 35: Delivering Biodiversity Net Gain

Policy 35 is not considered to be sound as it is not positively prepared, not justified and not consistent with national policy for the following reasons:

63. This policy states the Biodiversity Net Gain (BNG) shall be secured and delivered in accordance with the statutory framework. The policy goes on to provide a locational hierarchy for delivery of BNG off site, and state that only where it can be demonstrated that there is no feasible possibility of delivering compensation within the locational hierarchy will the purchase of national credits be considered an appropriate means of delivering BNG.
64. BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a biodiversity net gain of 10%. In light of all the new guidance on Biodiversity Net Gain (BNG) that has recently been published, the Council will need to ensure its approach to BNG to ensure it fully reflects all the new legislation, national policy and guidance. The HBF has been involved in a significant amount of work, being led by the Future Homes Hub, on BNG preparedness for some time and note the final version of DEFRA BNG Guidance was published on 12th Feb 2024 and the final version of the PPG published on Feb 14th 2024. The HBF understands that both may be further refined once mandatory BNG is working in practice, to reflect any early lessons learnt. The HBF notes that there is a lot of new information for the Council to work through and consider the implications of, in order to ensure that any policy on BNG policy so that it complies with the latest policy and guidance now this has been finalised. It is important that mandatory BNG does not frustrate or delay the delivery of much needed homes.
65. The PPG²⁵ is clear that there is no need for individual Local Plans to repeat national BNG guidance. It is HBF's opinion that the Council should not deviate from the Government's requirement for 10% biodiversity net gain as set out in the Environment Act.
66. The HBF also notes that there are significant additional costs associated with biodiversity gain, which should be fully accounted for in the Council's viability assessment.

²⁴ <https://www.gov.uk/government/consultations/raising-accessibility-standards-for-new-homes/outcome/raising-accessibility-standards-for-new-homes-summary-of-consultation-responses-and-government-response#government-response>

²⁵ PPG ID: 74-006-20240214

Policy 41: Green Belt

Policy 41 is not considered to be sound as it is not positively prepared, not justified and not consistent with national policy for the following reasons:

67. States that development proposals within the Green Belt, will be determined in accordance with the national planning policy. The HBF does not consider that this policy is necessary.

Policy 58: Implementation and Monitoring

Policy 58 is not considered to be sound as it is not positively prepared, not justified and not consistent with national policy for the following reasons:

68. This policy suggests that the plan will be monitored against performance indicators set out in the Monitoring Framework and should the AMR or other evidence suggest the policies are not on track the Council will initiate certain contingency measures, these include a review of the delivery of site-specific allocations, a review of financial mechanisms, a review of the DM processes and the preparation of SPDs and masterplans to provide clearer guidance, addressing cross-boundary issues, seeking financial support and engaging with partners across the public, private and voluntary sectors.
69. Appendix 3 sets out the Implementation and Monitoring Framework, this includes the monitoring indicators, triggers for action, potential actions and the data source.
70. The HBF supports the Council in including a policy highlighting the actions to be taken if housing is not delivered. However, it is considered that the Council may also want to consider alternate measures such as the granting of planning permission for unallocated sites in sustainable locations. The Council may also want to consider how this policy sits with the Housing Delivery Test and the presumption in favour of sustainable development as set out in the NPPF.

Policy 59: Delivering Infrastructure

Policy 59 is not considered to be sound as it is not positively prepared, not justified and not consistent with national policy for the following reasons:

71. This policy states that development will be expected to provide or contribute towards the provision of measures to directly mitigate the impacts of the development and make it acceptable in planning terms and contribute towards the delivery of essential infrastructure.
72. The HBF notes the similarities between this policy and Policy SP25: Infrastructure, and queries if both are necessary.

Future Engagement

73. I trust that the Council will find these comments useful as it continues to progress its Local Plan. I would be happy to discuss these issues in greater detail or assist in facilitating discussions with the wider house building industry.

74. The HBF would like to be kept informed of all forthcoming consultations upon the Local Plan and associated documents. Please use the contact details provided below for future correspondence.
75. The HBF would like to participate in the Hearing Sessions for the Local Plan Examination in order to address any points raised in relation to the home building industry.

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'Joanne Harding', written in black ink.

Joanne Harding
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