

Session 1 09.30 Tue 21/05/2019 Matter 1 Legal Compliance, Procedural and the DtC J Blundell ID01170267

1.1 Is there any evidence that the Council has not complied with the Statement of Community Involvement (SCI) or otherwise not met the minimum requirements for consultation or that consultation and publicity has otherwise been inadequate at various stages of the LP process?

1. There are conflicts with the tests of soundness **2012NPPF182 (2018NPPF35,36)** on if the plan is strategically Positively prepared, Justified, Effective, or Consistent with national policy.

2. The CLG2016 Housing projections were not used, and as excessive housing requirement to the demographic need, while superseded, redundant, and out-of-date DCLG2014 used. **Chart2.1 CLG2016 Housing in MIQ5.1 below**. Post transition **2018-2019NPPF** was never Publically consulted on. ONS2016 Components of Change were not considered. Any consultation requires that issue to be considered within the SEA reasonable alternatives requirement with CLG2016 housing projections as the latest sound, robust and realistic evidence. With the absence of ONS2016/CLG2016 in this consultation neither Publically presented, or consulted on as an alternative, with no reasons given for its exclusion was ever presented to the Public.

A Local Plan submitted pre-transition 25/01/2019 that has significantly ignored ONS2016 population projections May2016 and CLG2016 housing projections 20Sep2018 which were available, and not provided as reasonable alternatives in any consultations at all, nor provided reasons why not even presented to the public.

The undisclosed headship rates block any ability to have a realistic consultation on the provenance validity of the Preferred option.

6. There has been no presentation or consultation on the contents of the Duty to Cooperate (SD11) to any Public consultation. **Table12.2a,b below** or the cumulative excessive full HMA NE12LAs aspiration **121.5%** more than demographic need. CLG2016 Housing projections **5,044** as significantly less housing than the Local Plan Policy for **13,410** houses ignored. Even when ONS2016 population was available for estimated CLG2016 Housing, it was not used as available May2018 well before any consultation.

Page20-Line52. Up to date CLG2016 housing projections which could have been used to inform that latest housing requirement - **not used or consulted on**, and were available Sep2018. The ONS2016 population projections themselves - **not used or consulted on**, and were available May2018. There is accredited Government Affordability ratios- **not used or consulted on**. DCLG Standard Method – **not used**. It is inappropriate in any consultations to July2018 for a Local Plan-Local Plan not to allow the public to consider ONS2016 population, and CLG2016 housing, instead to use bespoke variants on a superseded ONS2014 scenarios as a Preferred option, when ONS2016 Population published 24/05/2018 and CLG2016 Housing published 20/09/2018 were available. Even a standard practice to use ONS2016 population and DCLG2014 House sizes to estimate CLG2016 - **not used**, yet a SunderlandCC capable of multiple Local Plan scenarios that ignored ONS2016/CLG2016, and conducted consultations as if ONS2016/CLG2016 did not exist.

17. Undisclosed detail, modified, bespoke assumptions on Government data and presented as accredited statistics, so much so that the Consultation Core Strategy2017 was **7,200** Jobs, while the final submitted Core Strategy2018 as **10,337**. That is indicative of unstable extrapolation due to volatile historic swings in employment, and also indicative of whimsical aspiration as housing aspiration remained at **13,410**. **Chart9.4** in MIQ3.1 APS Employment below as -21,900 jobs losses 26000 jobs gains 2013-2018

32. The Local Plan attempts to ignore reasoned and justified ONS data, for bespoke over ambitious conjecture, that then becomes meaningless statistical “mumbo-jumbo” consultation, as esoteric, non-understandable, nor open or transparent. ONS2016 Population, and CLG2016 Housing projections should have been used, rather than bespoke conjecture and not even considered **Chart1.2, Chart2.1 below**.

33. Double counting was not presented or made known by SunderlandCC in any consultations on its preferred option as part of a NE12LAs aspiration as **159,887** as **121.53%** more than CLG2016 **72,173** demographic need and a Sunderland double counting of **208.87%** more. **Table12.2a,b below**

42. Although SunderlandCC state “will seek to add concise justification” there has been no Public consultation that took place to consider any concise justification for each Green belt release. My Chapter 15. Core Strategy Consultation Issues.

It is a requirement of Planning practice guidance to observe the Strategic Environmental Assessment Directive SEA regards consideration of alternatives, and consulting on them.

The Environmental Assessment of Plans and Programmes Regulations 2004 uksi_20041633_en.pdf Part3, as well as 2012NPPF Para182

Regulation12 Page6 (2b) The report shall identify, describe and evaluate the likely significant effects on the environment of— (b) reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme.

Nor has it been part of any consultation;

Regulation13 Page8 (2b) take such steps as it considers appropriate to bring the preparation of the relevant documents to the attention of the persons who, in the authority's opinion, are affected or likely to be affected by, or have an interest in the decisions involved in the assessment and adoption of the plan or programme concerned, required under the Environmental Assessment of Plans and Programmes Directive ("the public consultees");

SEA is also incorporated into 2018NPPF32 note¹⁷,NPPF35 requirement

2018 NPPF35 b) **Justified** – an appropriate strategy, taking into account the **reasonable alternatives, and based on proportionate evidence**;

Was it reasonable? Was it proportionate? How can it be reasonable or proportionate if excluded from the Public consultation? SunderlandCC plan is neither reasonable, proportionate, or evidenced.

There has been no reasonable alternatives considered and no consultation on them, particularly not "bringing to the attention" ONS2016 Population and CLG2016 Housing projections as excluded from all consideration. At Site specific level residents were unaware of those details in any consultation or its impact on them through a failed SunderlandCC Public consultation communication/presentation.

2.1 Is there evidence that the Council has cooperated effectively with adjoining authorities in exploring whether any of Sunderland's housing land needs can be met elsewhere in the Housing Market Area (HMA)?

Table12.2a NE12LAs HMA Preferred options excessive disparity with CLG2016 demographic, and Standard method.

NE12LAs 2019-2039	Preferred	CLG2016	Disparity	%	StdMthd	Disparity	%
Darlington	11380	1966	9414	478.84%	2272	9108	400.78%
Durham	26160	17765	8395	47.26%	19904	6256	31.43%
Hartlepool	5740	2068	3672	177.56%	2156	3584	166.24%
Middlesbrough	8444	1824	6620	362.96%	1363	7081	519.57%
Northumberland	17700	7207	10493	145.59%	10874	6826	62.78%
Redcar and Cleveland	4680	1793	2887	161.02%	2282	2398	105.04%
Stockton-on-Tees	12290	6722	5568	82.83%	7805	4485	57.46%
Gateshead	11000	5612	5388	96.01%	5710	5290	92.65%
Newcastle upon Tyne	19000	10749	8251	76.76%	11185	7815	69.87%
North Tyneside	16593	7910	8683	109.77%	9664	6929	71.70%
South Tyneside	12000	3733	8267	221.46%	4190	7810	186.39%
Sunderland	14900	4824	10076	208.87%	5275	9625	182.47%
Full NE12LA HMA	159887	72173	87714	121.53%	82680	77207	93.38%
Sunderland & Tees 5LAs	57434	19197	38237	199.18%	21154	36280	171.50%

Table12.2b CLG2016 Duty to Cooperate, Statement of Common Ground HMA excessive aspiration

CLG2016 NE12LAs	Preferred Option	CLG2016 Demographic	Preferred Disparity	%	Standard Method	Preferred Disparity	%
2019-2029	79944	38191	41753	109.33%	41340	38604	93.38%
2029-2039	79944	33982	45962	135.25%	41340	38604	93.38%
2019-2039	159887	72173	87714	121.53%	82680	77207	93.38%
Sunderland							
2019-2029	7450	2516	4934	196.10%	2637	4813	182.47%
2029-2039	7450	2308	5142	222.79%	2637	4813	182.47%
2019-2039	14900	4824	10076	208.87%	5275	9625	182.47%

For NE12LAs comparison 2019-2039 used. Sunderland 13,410 2015-2033 is pro-rata 14,900 2019-2039.

33. Double counting is not presented or made known by SunderlandCC or any other North East Local Authority or in any Planning consultations. The Government housing requirement for demographic need within the NE12LAs is CLG2016 **72,173** 2019-2039, however the excessive over ambitious aspiration for the full NE12LA Housing Market Area **159,887** houses as **121.53%** more than CLG2016 **72,173** 2019-2039, and **93.38%** more than the Standard method **82,680** 2019-2039. **Table12.2a,b, and Chart12.1** below. Contrary to **2012NPPF182** requirement. For comparison over the same 2019-2039 period, a full NE12LA HMA **121.53%** excess compounded by an inclusive SunderlandCC over ambitious aspiration **14,900** houses as **208.87%** more than CLG2016 **4,824** 2019-2039. and **182.47%** more than the CLG2016 Standard method **5,275** 2019-2039 compounds that full HMA NE12LAs excessive aspiration. An "unduly" non-admitted submission by GatesheadCC is in direct contradiction to SunderlandCC Local plan as impacting Gateshead's Local plan. So much for Duty to Cooperate **2012NPPF178**. Most other LAs also have excessive aspiration well beyond CLG2016 demographic need and also excessive to the CLG2016 Standard method. Table12.2b for DCLG2014 StdMthd in MI3Q3.1. SunderlandCC Preferred Option in particular is excessive even to the other excessive LAs Preferred options at **208.87%** more than for demographic need, and **182.47%** more than the Standard method. Even using DCLG2014 SunderlandCC Preferred option **14,900** 2019-2039 is **54.36%** more than demographic need and **30.64%** more than that Standard method. All of which is contrary to the Planning Inspectorate approved Plans 2010-2016 average **20%** more than for demographic need. **Chart2.2** below A full HMA NE12LAs as **121.53%** more than CLG2016 demographic need, however as greater excess SunderlandCC with 5 Tees LAs HMA Preferred option **57,434** as **38,237** **199.18%** more then CLG2016 **19,197**. Sunderland and 5 Tees LAs using DCLG2014 as Preferred **57,434** to DCLG2014 **29,180** as **28,254** **96.83%** more. Whatever HMA using DCLG2014 or CLG2016 housing is excessive.

Chart12.1

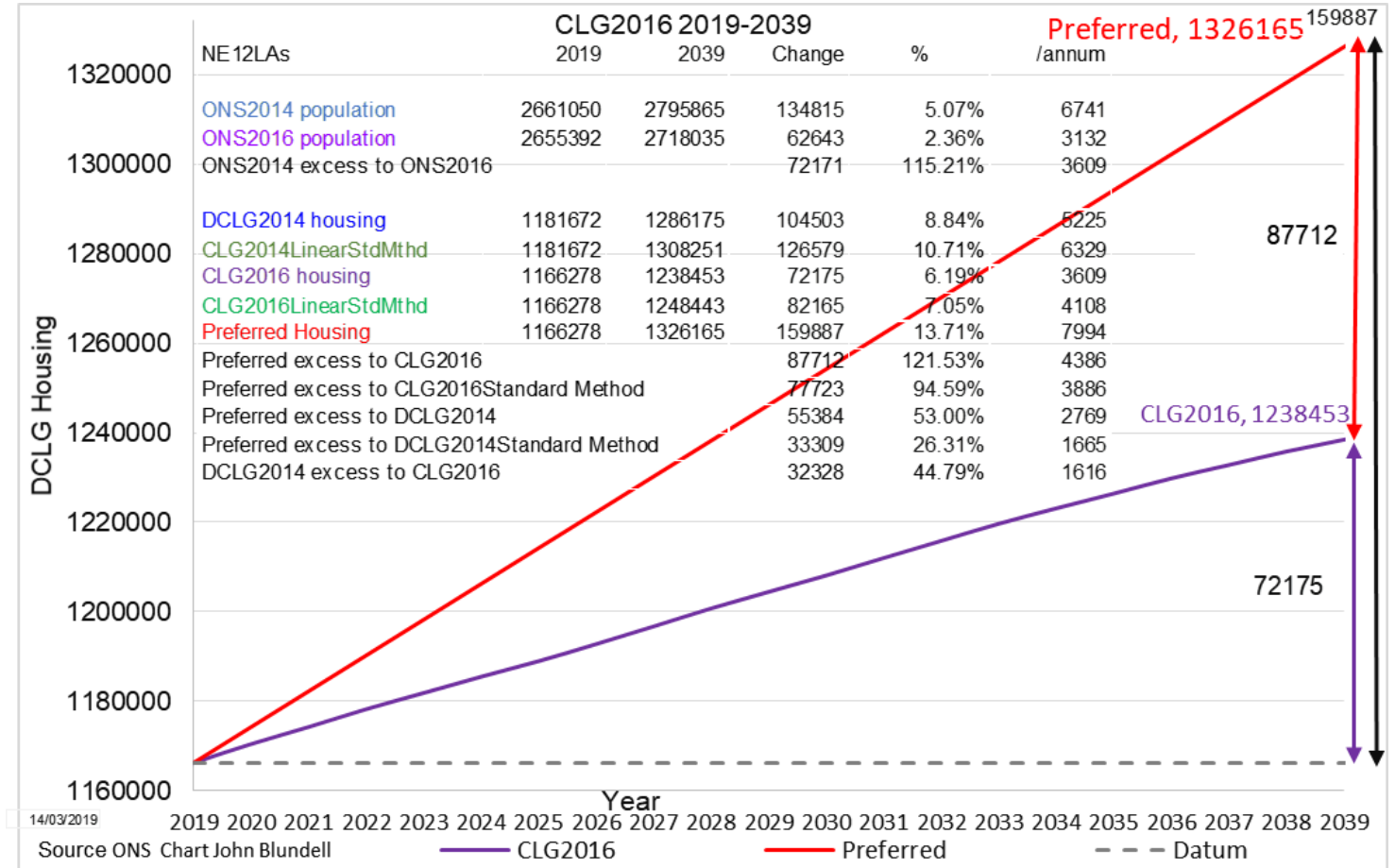
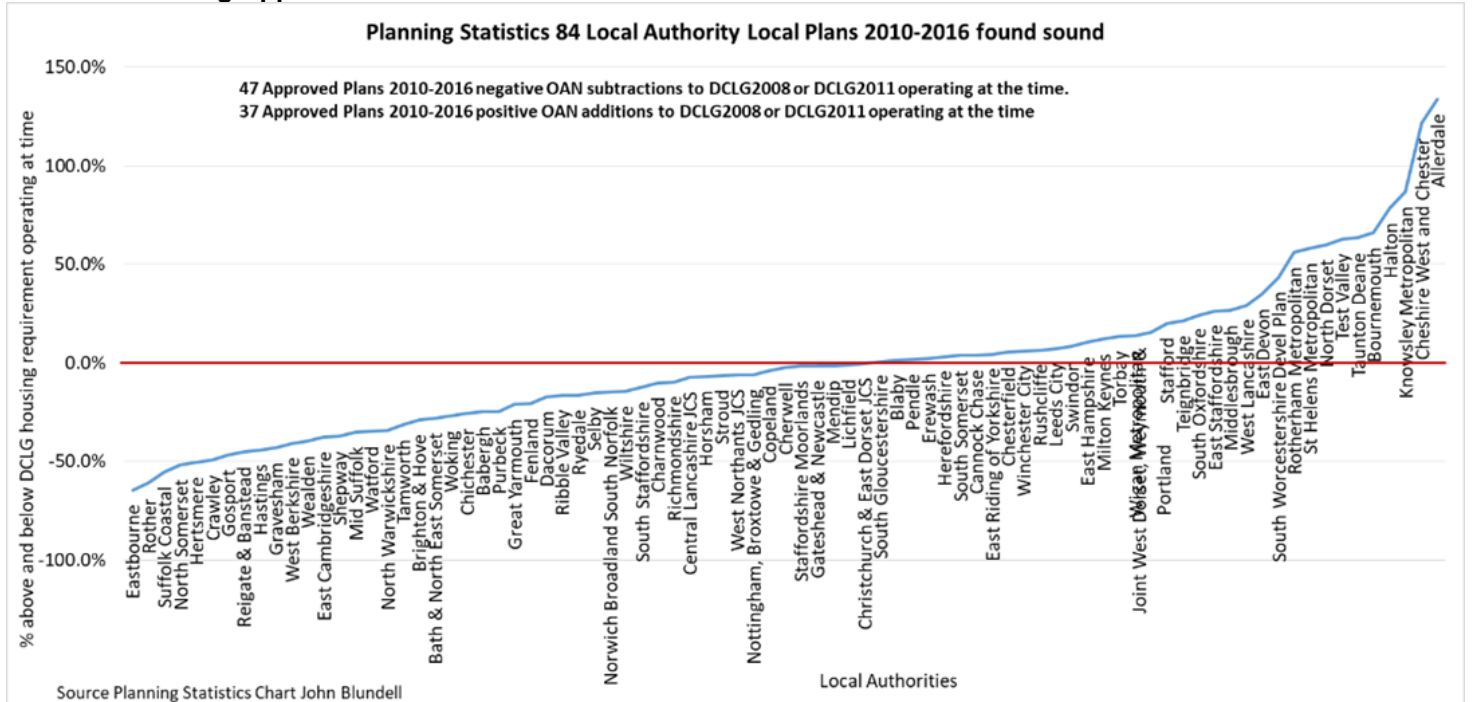


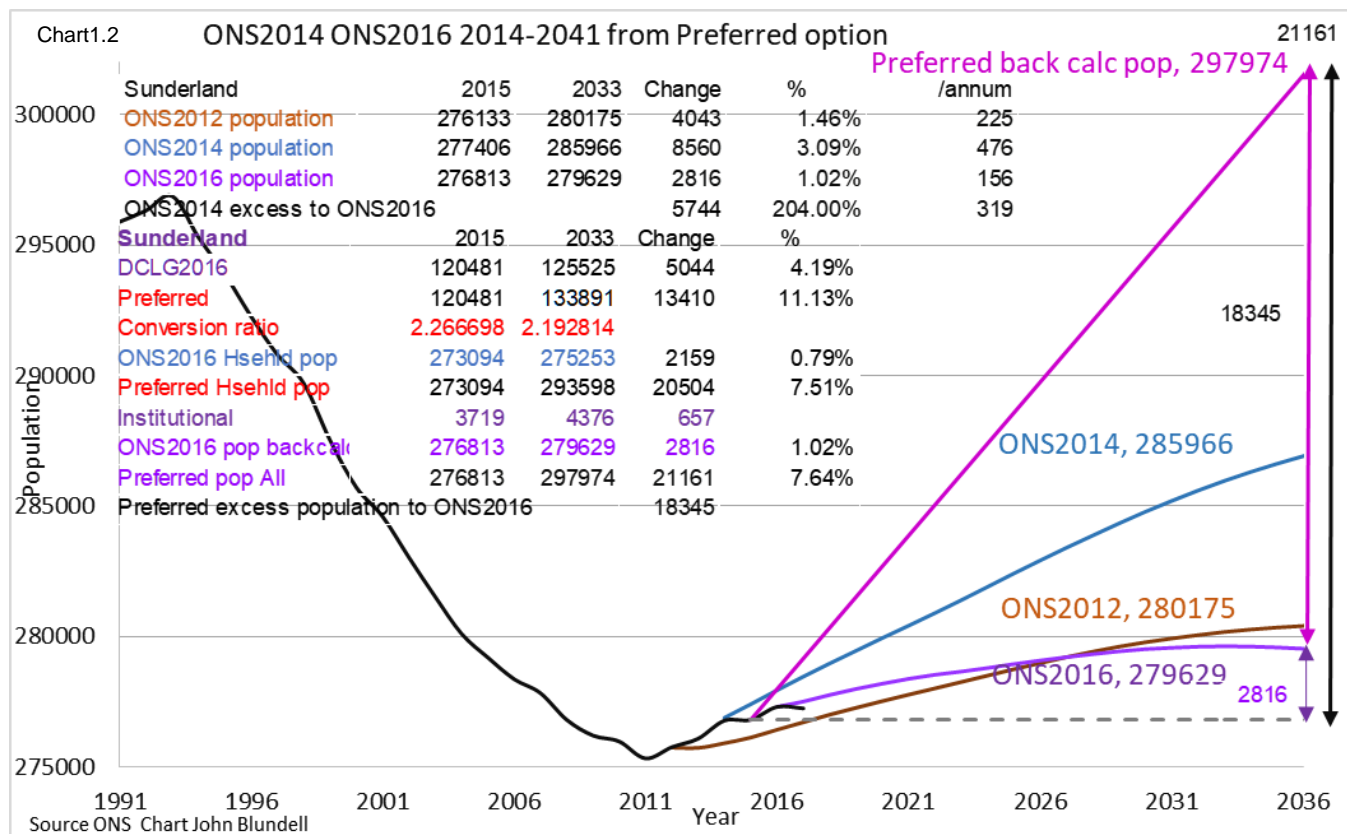
Chart2.2 Planning Approval Statistics 2010-2016



2.2 Is there evidence that the Council has cooperated effectively with infrastructure providers and technical consultees on relevant issues such as transport, education, waste, minerals and flood risk?

The entire focus has been on excessive housing need and over ambitious job creation with little consideration of required infrastructure; school places, sewers, medical facilities, and necessary access roads. PolicyID1 on Section106 obligations does not detail that requirement within the consultation or Local Plan Core Strategy SD1. The only Core Strategy SD1 reference to School places is to a new primary and extensions to two others. My **Chart1.2** back calculates the population of the Preferred option **13,410** housing as an unrealistic excessive aspiration for **21,161** people of which the proportion as age 0-18 is **20.66%** 2019 as **4,372** of all Sunderland population. **Chart1.2**

Chart1.2



Schools Infrastructure. One extra primary school stated in the Core Strategy is inadequate infrastructure provision that impacts and creates deficiencies as in transport, education, waste management, and does not address those fundamental issues adequately. There is a significant cumulative Schools/Colleges lack of infrastructure. A SunderlandCC **13,410** housing aspiration creates an extra **21,161** people to fill those houses Chart 1.2. The Sunderland age 0-18 is **20.66%** of that population 2019 (ONS2016 data) as **4,372** children age 0-18 for those **13,410** houses. Where is the assessment consultation for the extra School/College places infrastructure to address that age 0-18 population, exacerbated by **8** School sites also being sold off, nor indeed the extra teaching staff and funding required. SunderlandCC are selling off **8** Sites for **599** houses potential as lost school places and irretrievable lost school land for the future. All compounded by an inability to address the educational infrastructure required to allow sustainable development, with no Public consultation assessment on that issue. From the Sunderland Strategic Housing Land Availability Assessment SHLAA Final **11,555** potential housing, these School sites have a potential **599** houses from the **13,410**.

- 56** houses at **Site056**. High Usworth School, Well Bank Road
- 75** (currently **116**) houses at **Site086**. Former Easington Lane Primary School Building
- 18** houses at **Site087**. Former Dubmire Primary School, Britannia Terrace
- 40** houses at **Site091**. Southwick Primary School, Clarence Street
- 40** houses at **Site098**. Ayton Village Primary School, Dunlin Drive, Ayton
- 110** houses at **Site104**. Carley Hill School, Emsworth Road
- 200** houses at **Site177**. Former Usworth Comprehensive School
- 19** houses at **Site214**. Land to the east of former Maplewood School, Redcar Road

Flooding; Normal field drainage rates do not apply as hard surface incapacity overflow road gulleys enters a site and leaves it inundated with field drainage rates and SUDs as irrelevant to that type of deluge. **2012NPPF100** requires sustainable proposals that are “making it safe without increasing flood risk elsewhere”. Inappropriate field drainage calculation are used in SUDs solutions as entirely inappropriate as the surface water deluge enters, inundates, and leaves an area and little to do with field drainage at all. e.g. Hard Surface runoff deluge catchment miles North of Hylton to then backpond at the watercourse entry to the Wear. Environment Agency mapping shows existing large scale ponding, and evidenced backflow tidal issues that impacts drainage. That applies to most of the **13,410** housing as additional tarmac, concrete, roofing and access roads that requires SEA assessment on those storm event issues.

3.1 Does the SA meet statutory and legal requirements in relation to the assessment of reasonable alternatives?

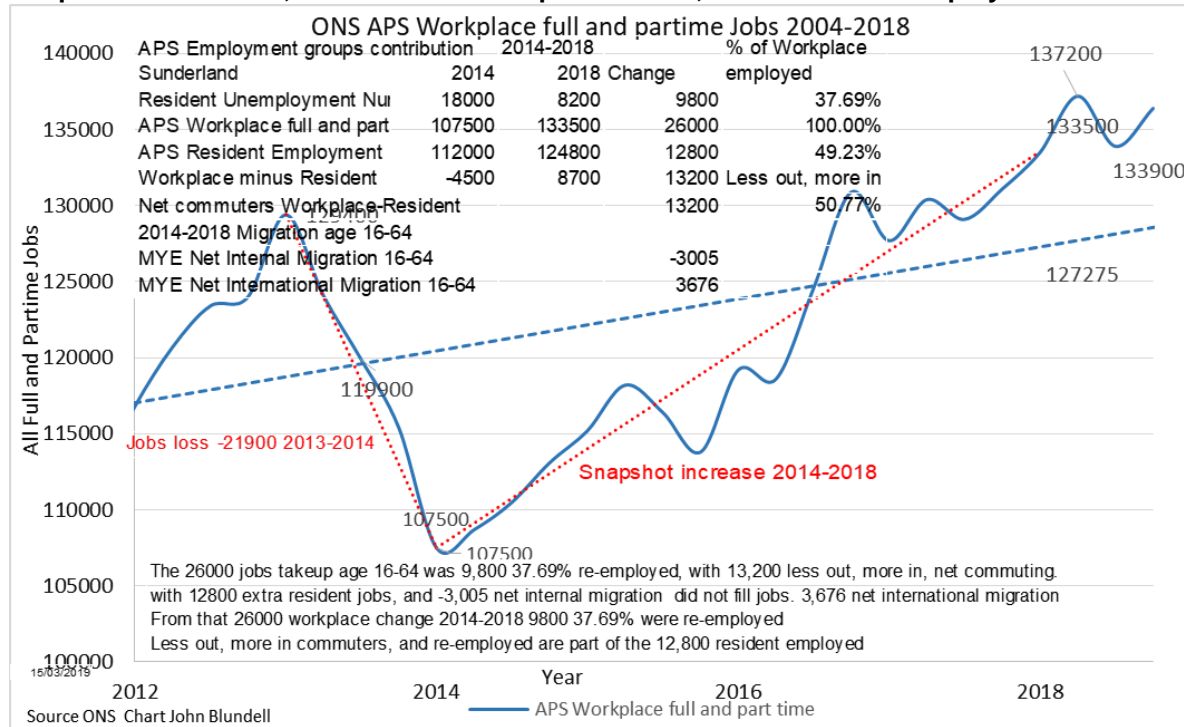
Any consultation requires that issue to be considered within the SEA reasonable alternatives requirement with CLG2016 housing projections as the latest sound, robust and realistic evidence, with the absence of ONS2016/CLG2016 in this consultation neither Publically presented, or consulted on as an

alternative, with no reasons given for its exclusion was ever presented to the Public. The actual scenarios provided were not alternatives but scenarios all of which were similar and excessive. The actual available housing alternatives using ONS2016 and CLG2016 scenarios were ignored. The over ambitious jobs scenarios and required employment land all focused on deletion of Green belt, yet other available alternatives as less ambitious that needed no deletion of Greenfield/Green belt were ignored. Not least a Brownfield register capable of fulfilling the CLG2016 total requirement **5,044** with a potential **6,182** 40/ha was not used as an alternative or reasons given.

Reasonable alternatives should have addressed not just **26,000** jobs increase 2014-2018 but **-21,900** jobs losses 2013-2014 particularly those jobs are mostly filled or lost by residents and commuters only, as already allocated in ONS Components of Change 2015-2033 not requiring policy intervention, or ever did.

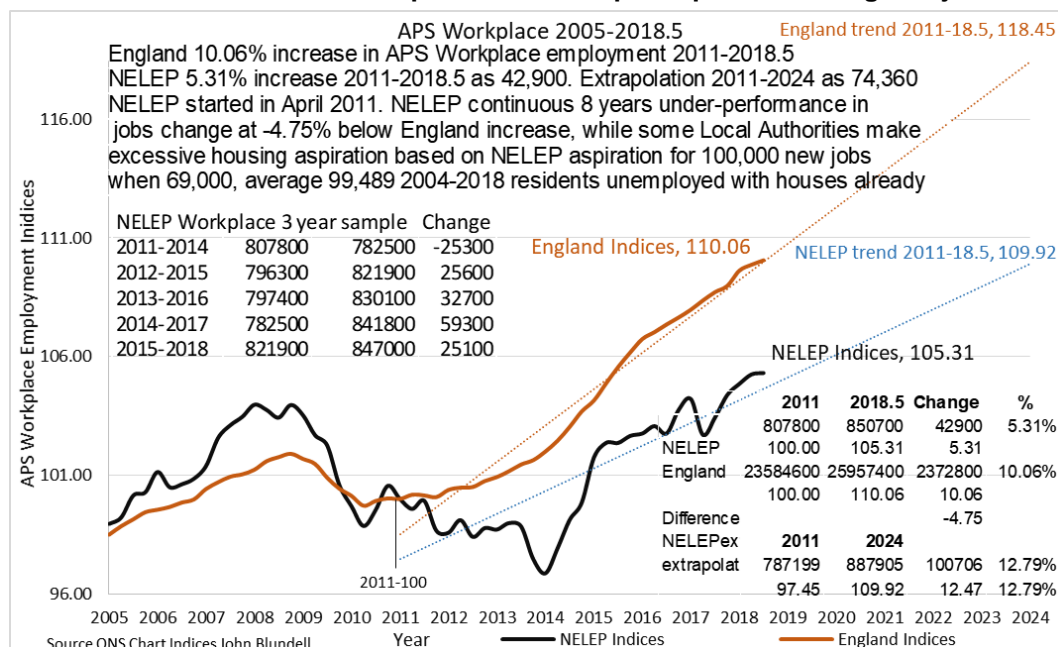
Chart9.4 Annual Population Survey APS Workplace snapshot 2013-2018

Snapshot increase 26,000 2014-2018 also previous -21,900 decrease in employment 2013-2018



There is no sound or robust evidence to justify employment land, housing, or as Safeguarded on those areas using CLG2016 or DCLG2014 housing projections, with reasonable additions for affordability, and realistic economic aspiration. There is no evidence of any stringent necessity for exceptional circumstances to remove that status from high value Greenfield/Green belt land, yet no reasonable alternatives proposed to avoid Green belt deletion while a Brownfield register has the ability to account for most CLG2016 housing requirement and never used as a reasonable alternative. No alternatives considered a failing NELEP SEP as **4.75%** less jobs created than England.

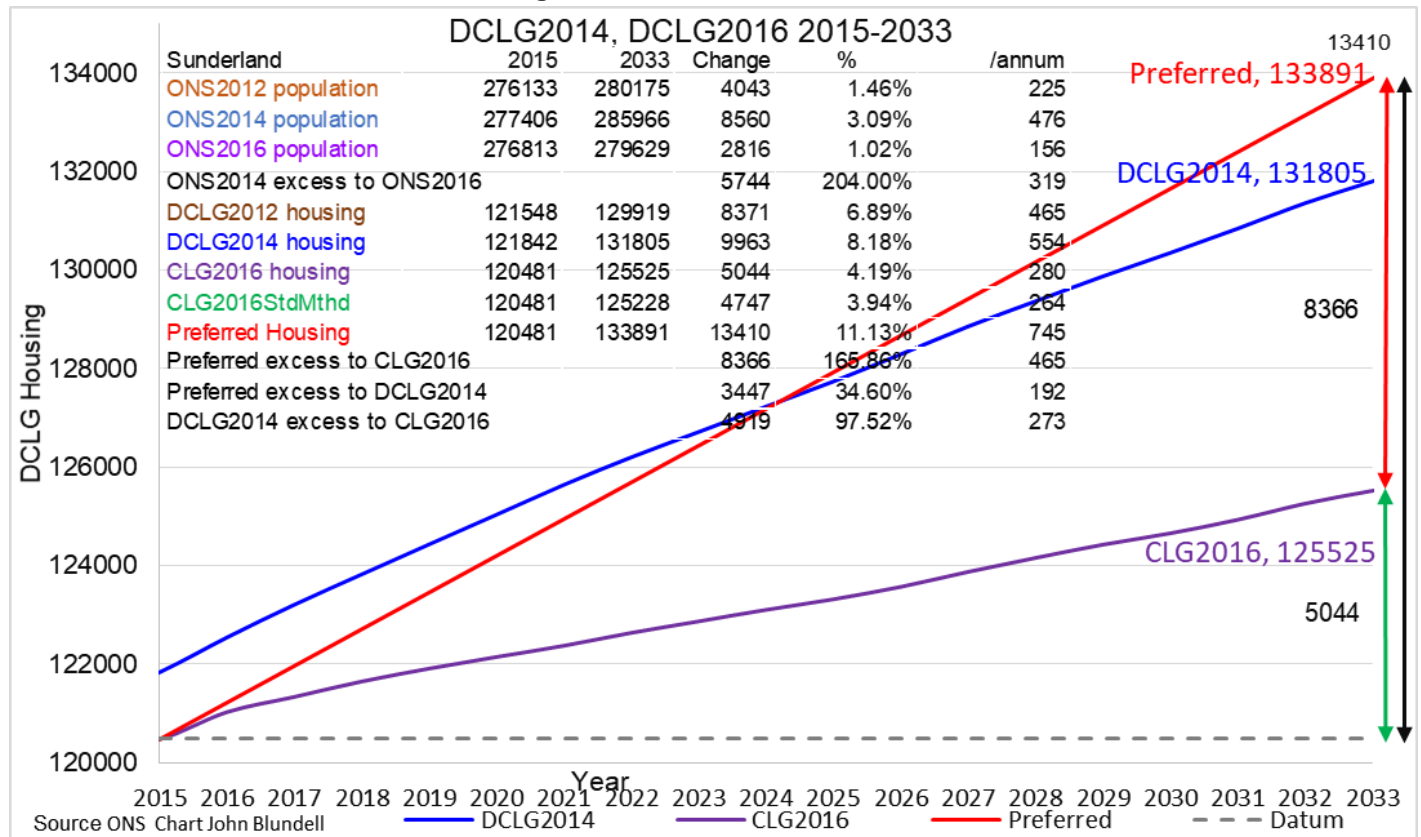
Chart9.5 North East Local Enterprise Partnership comparison to England jobs delivery APS.



5.1 Is the timeframe of the LP appropriate (2015-2033) or should it be extended to provide a 15-year period upon adoption?

A highly restrictive Local Plan that fundamentally compromised the consultations in its presentation of the evidence and assessment by continuing to use an out-of-date Plan period 2015-2033 as three years too late in consultation year 2018, where all 2018-2019 latest and up to date data ignored for out-of-date evidence and assumptions inappropriately presented in Public consultation as mostly irrelevant, while not even applicable to 2015-2033 or up-to-date latest evidence used year 2018/2019. In effect, a 14 year Plan period 2019-2033 as inappropriately too short using out-of-date evidence.

Chart2.1 DCLG2014 and CLG2016 Housing.



The ONS2016 Population **2,816**, with previous ONS2014 **8,560** as **5,744 204.00%** more **Chart1.2** above, or CLG2016 **5,044** houses with Preferred Option **13,410** as **165.86%** more 2015-2033 was not made known at any consultation. ONS for ONS2016 population and CLG2016 housing particularly ONS2016 published May2016 and CLG2016 published Sep2018 were available at the time and not used as pre-announced avoided publications. Any time frame for a Local plan needs to use the relevant latest data applicable for those years to be a fair assessment of realistic aspiration and sustainable development. To extend assuming 2019 as a start for 15 years needs to reassess the demographic and economic outlook as there is significant population decrease as well as reduction in the Components of change for the dominant international contingent, that needs to be addressed, and not ignored.

5.2 Is the start date of 2015 consistent with the evidence base?

It is inappropriate to have continued using a Plan period 2015-2033 and to have conducted consultation in 2018 as up to 4 years out-of-date. That compromised any fair and reasonable assessment, and alternatives using up-to-date information, as fundamentally flawed. A Local plan that is supposedly a future aspiration which is already 4 years in the past. Not least demographic change 2019-2039 20 years is significantly less compared to even 2015-2033 18 years. A Plan that used ONS2014 over 18 years as **8,560** 2015-2033 while ONS2016 even over 20 years as only **1,305** 2019-2039.

Sunderland	ONS2016 Population	Change	%	
2019-2029	277994	279434	1440	0.52%
2029-2039	279434	279299	-135	-0.05%
2019-2039	277994	279299	1305	0.47%

That has fundamentally compromised the Local plan assessment requiring the use of the latest data to inform aspiration, yet ignored. The use of DCLG2014 trending rates from 2008-2014 is out-of-date. That inappropriate out-of-date Sunderland Local Plan then feeds into an even greater disparity between housing aspiration and demographic need. A Preferred option over 20 years **14,900** housing 2019-2039 as **208.87%** more than CLG2016 **4,824** Table 12.2a,b from MIQ2.1 and if a Standard Method had been applicable **5,275**, the Preferred option **13,410** would have been **182.47%** more.