

Matter 2**Sunderland Core Strategy and Development Management Plan Examination in Public****Response to the Inspector's Matters, Issues and Questions****Made on Behalf of Persimmon Homes (Durham) – ID 1129305****Matter 2 – Spatial Strategy and Related Policies****Preamble**

- 2.1 This Hearing Statement is made on behalf of Persimmon Homes (Durham) (our 'Client'), in advance of making verbal representations at the Examination in Public of the Sunderland Core Strategy and Development Management Plan (CSDMP). Our Client has made comments throughout the Core Strategy consultation process, including at the Publication Draft stage.
- 2.2 Our Client has multiple land interests in land within Sunderland City Council's Authority Boundary. This Hearing Statement is specifically in reference to three of our Client's land interests, namely the former Hendon Paper Mill within the proposed Key Employment Area designation KEA1, and two further areas of land at the Russell Foster Football Centre and Land West of Mulberry Way, Houghton-le-Spring, both in the Coalfield sub-area, where consideration of the Settlement Breaks are important.
- 2.3 A planning application has been submitted for residential development on the former Hendon Paper Mill (Planning Ref: 18/01820/FUL), which includes associated access, landscaping and infrastructure, and discussions are ongoing with the Council and consultees.
- 2.4 Our response to the relevant questions in Matter 2 are found below. We have had specific regard to the tests of soundness outlined in the National Planning Policy Framework (the 'Framework'); namely that the policies in the CSDMP are must be justified, effective, positively planned and consistent with national policy in order to be found sound. As the CSDMP was submitted to the Secretary of State by Sunderland City Council (the 'Council') prior to the transition deadline set in Annex 1 of the February 2019 Framework, we have referred back to the March 2012 Framework where appropriate within this Hearing Statement, as per the stated transitional arrangement.

Issue 1: The Spatial distribution of development across the sub-areas.***Question 1.1 Is the spatial distribution of development within the Sub-Areas clear from the Plan and justified?***

- 2.5 Our Client is broadly supportive of the aims and aspirations of the Council in meeting its employment needs, but believes the spatial distribution is flawed, and fails the tests of soundness.
- 2.6 The CSDMP includes Figure 11: supply of available employment land, which is taken from the 2016 Employment Land Review- SD.37 (ELR). What the CSDMP does not do is to fully take into consideration that the availability of employment land does not directly correlate to demand, something set out in the ELR, and the subsequent Employment Land Review Post EU Referendum Forecasting Analysis – SD.38 (ELR PEUR) from 2017.
- 2.7 The ELR and ELR PEUR both conclude that there is an imbalance between the location of employment land and the market demand, and that this should be addressed as part of the CSDMP. The more recent ELR PEUR shows in Table 3.3 that Sunderland South has a maximum indicative oversupply of employment land of 41.23ha, the largest of all sub-areas. The need to deallocate employment land in Sunderland South, and the need to allocate further employment land in Washington, is made in both the ELR and ELR PEUR in order to readdress the supply/demand imbalance.
- 2.8 Table 3.4 of the more recent ELR PEUR summarises the supply against the demand and concludes the amount of employment land in Sunderland South remains far higher than the indicative requirement for the area, and that this must be reduced by deallocating further existing employment land. By doing this, it would re-address the significant imbalance in place, primarily between Washington and Sunderland South, however these recommendations are not all carried forward into the CSDMP, including the further policy consideration sites in paragraph 3.30 of the ELR PEUR, and therefore the spatial imbalance in employment land supply remains.
- 2.9 As part of the Council’s Compliance Statement – SD66, the Council sets out in paragraph 9.51 its justification for not deallocating further employment land in the Sunderland South sub area. This includes the reasoning that the oversupply calculation is based on the past take up evidence, that Sunderland South should help balance the under supply in Sunderland North and Washington, and that the new Northern Spire Bridge will make a number of employment sites more accessible.
- 2.10 This contradicts the Evidence Base findings in the ELR and ELR PEUR. The recommendations are quite clear, reduce the employment land in Sunderland South and increase the employment allocations in Washington. Proposing to retain employment land such as the unavailable former Hendon Paper Mill in the far south east of the Sunderland South sub area to support the needs in Washington is not a sustainable solution, and not one recommended in either ELR or ELR PEUR. In relation to the undersupply of employment land in Sunderland

North, this is calculated as a maximum of 3.5ha, approximately 8.5% of the maximum indicative oversupply of employment land in Sunderland South from the ELR PEUR. The new Northern Spire Bridge is considered in the ELR in paragraph 2.24 and concludes it can help unlock employment sites in the River Wear corridor with no indication it would unlock development potential in Hendon.

- 2.11 The Framework is quite explicit in paragraph 158 that the Local Plan is to be based on adequate, up to date and relevant evidence. It is clear that the Council have not taken a sound approach in consideration of its own evidence base when drawing conclusions as to the level and location of allocated employment land in Sunderland South. This has led to different conclusions without the consequences being fully explored, and clearly having not been justified.
- 2.12 As such, the spatial distribution of the proposed employment allocation needs reconsidering to readdress the balance, with further land deallocated in the Sunderland South sub area, such as the former Hendon Paper Mill which will be explored in more detail in response to question 2.3 below and Matter 6.

Question 1.2 Has the spatial distribution had regard to the impacts on climate change, including CO2 emissions?

- 2.13 Our Client does not wish to make written representations on this part of the question as part of this Hearing Statement.

Issue 2: The split between the Existing Urban Area and elsewhere and between brownfield and greenfield land.

Question 2.1 Is the split between the Existing Urban Area and elsewhere and between brownfield and greenfield land clear from the Plan and justified?

- 2.14 Our Client does not wish to make written representations on this part of the question as part of this Hearing Statement.

Question 2.2 Has the Plan robustly explored the effective use of brownfield land to meet development needs?

- 2.15 The clear aims as set out in the Framework are to support sustainable development, including the effective use of previously development land, identified as a Framework core principle. Paragraph 111 of the Framework also sets out that planning policies should encourage the effective use of land by re-using land that has been previously developed.
- 2.16 The Council's Strategic Housing Land Availability Assessment – SD.22 (SHLAA) concludes that only 44% of the housing land supply within the authority's boundary is on previously developed land, which is considerably lower than the 90% figure the Council achieved between 1995 and 2016.

- 2.17 In consideration of the Council's evidence base, our client concludes that the Council has not fully explored the most effective use of brownfield land, as per the Framework. As set out in more detail in response to Question 2.3 below, the former Hendon Paper Mill is assessed as not being suitable nor achievable for housing, and therefore it is not assessed as being a deliverable brownfield site.
- 2.18 Our client disagrees with this assessment, as it is not based on the most up to date information provided as part of the current live planning application, and instead has assessed the site as being required for employment purposes despite the site not being available for that use, and the Sunderland South sub area not requiring the site to meet its calculated need.
- 2.19 We therefore conclude that the Council have not robustly evidenced that that have explored the most effective use of all the possible available brownfield land and have arrived at erroneous conclusions through an incorrect site assessment in the SHLAA, and a failure to fully consider the conclusions of the ELR and ELR PEUR.

Question 2.3 Are there areas of brownfield land, including land identified as Key Employment Areas, that should be allocated for housing, taking into account employment land requirements and viability and deliverability issues?

- 2.20 Our client considers that the former Hendon Paper Mill is not an available or suitable employment site, but is a suitable housing site, and that the 'KEA1' designation boundary should be amended to remove the former Hendon Paper Mill.
- 2.21 Our Client's land interest at the former Hendon Paper Mill is assessed in the SHLAA (Ref: 294a & 294b) as not being suitable or achievable. As set out in response to Question 1.1, our client does not consider that the Council have effectively or correctly assessed their employment needs and do not consider the former Hendon Paper Mill is required for the purposes of providing employment land.
- 2.22 In relation to the Council's comments on the site's achievability, it considers the former Hendon Paper Mill to be unviable. This is in part due to a previous residential planning approval on the site lapsing (Ref:10/02291/OUT). Since then, the majority of building on site have been cleared by the landowner, and this has assisted with the site's viability. As part of the current live planning application, our client has set out that the site is both viable and deliverable. It is our consideration the site is clearly suitable, available and achievable for residential development and should be assessed as such.
- 2.23 This should then be considered alongside the conclusions of the ELR and the ELR PEUR, and the evidence clearly indicates that the former Hendon Paper Mill could contribute to housing land supply as a deliverable windfall site.

- 2.24 Whilst our client acknowledges that the Council do, in time, plan to adopt an Allocations and Designations Plan, and draft policy EG2 does include a caveat to release land within Key Employment Areas for uses outside use class 'B', we also consider the Council has failed to take into consideration paragraph 22 of the Framework, which states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of the site being used for that purpose.
- 2.25 Our Client does not consider the Council's assessment of the site or its own employment needs to be effective, or their conclusions to be justified, particularly when referring to Framework paragraph 22. The Council's approach is therefore unsound.
- 2.26 We propose the KEA1 boundary should be amended to exclude the former Hendon Paper Mill site boundary, including the land immediately to the north (Appendix A: Site Boundary), and the land should be left as white land for the purposes of the CSDMP in order to facilitate the residential development, as a sustainable brownfield site contributing to the Council's housing land supply.

Issue 3: Green Belt and Exceptional Circumstances (Green Belt alterations will also be discussed in relation to Housing Growth Areas during Week 2)

Question 3.1 Has, in principle, exceptional circumstances been demonstrated for the alteration of Green Belt boundaries?

- 2.27 Our Client does not wish to make written representations on this part of the question as part of this Hearing Statement.

Question 3.2 Is the methodology for Green Belt assessment reasonably consistent with that used by adjoining authorities?

- 2.28 Our Client does not wish to make written representations on this part of the question as part of this Hearing Statement.

Issue 4: The principle of safeguarded land being identified to meet longer-term development needs (Green Belt alterations will also be discussed in relation to Safeguarded Land during Week 2)

Question 4.1 Is safeguarded land between the urban area and the Green Belt required to meet longer-term development needs?

- 2.29 Our Client does not wish to make written representations on this part of the question as part of this Hearing Statement.

Question 4.2 Has enough land been proposed for safeguarding to meet longer-term development needs?

- 2.30 Our Client does not wish to make written representations on this part of the question as part of this Hearing Statement.

Question 4.3 In general terms is the safeguarded land in the right place to meet longer-term development needs.

2.31 Our Client does not wish to make written representations on this part of the question as part of this Hearing Statement.

Issue 5: The principle of 'Settlement Breaks' and the terms of Policy NE7

Question 5.1 Does the evidence base and, in particular SD.48, support the principle and general extent of the settlement breaks?

2.32 Our Client is not of the view the Council's evidence base justifies the implementation of a Settlement Break Policy.

2.33 The use of Settlement Breaks is not recognised through the Framework or the Planning Practice Guidance as an effective land use designation tool, and the Council's justification for their retention overlaps with the Green Belt protection and the justification for Policy NE8 Development in Open Countryside.

2.34 The introduction of the NPPF clearly sets out the presumption in favour of sustainable development, and the inclusion of a Settlement Break policy is overly restrictive and will actually preclude sustainable development from coming forward, which is particularly pertinent when considering the amount of Green Belt land within the Councils' Authority Boundary, and the development pressure that will be created through imposition of both Green Belt and Settlement Breaks, as well as the Open Countryside policy.

2.35 The Council is proposing to designate Green Infrastructure corridors, including deallocating parts of the existing Settlement Breaks, as part of the forthcoming Allocations and Designations Plan, thus adding a further layer of policy overlap without fully exploring the relationship between the four designations.

2.36 In consideration of this, our client believes that if the Settlement Break policy is considered appropriate, then the actual boundaries of the proposed Settlement Break designation have been applied inconsistently when considering the methodology set out in the Settlement Break Review – SD48 (SBR), as evidenced by the SBR's conclusions in relation to the Russell Foster Football Centre (retained in the Settlement Break) and Land West of Mulberry Way, Houghton le Spring (deleted from the Settlement Break), and the impact that development can have on the role a Settlement Break plays. This is further explored in our Hearing Statement for Matter 7 (Coalfield).

Question 5.2 Are the provisions of Policy NE7 justified and consistent with national policy or are they too restrictive?

2.37 Settlement Breaks are not specifically identified through national policy as a land designation, although Green Belt purposes are set out in Framework under paragraph 80. The three purposes of Settlement Breaks as set out in the SBR methodology are similar if not the same as the purposes of the Green Belt, without benefiting from defined exceptions set out in

policy. Given Green Belt carries the upmost protection against development yet still includes exceptions, our client is concerned the Settlement Breaks policy offers no such backdrop.

- 2.38 Section 2 of the policy NE7 therefore offers no flexibility as to exceptions with the default starting position set that planning permission will not be granted for any form of development, clearly against the Framework's aim of achieving sustainable development.
- 2.39 Our client considers that Part 2ii. of the policy sets the bar too high, by stating planning permission would be granted if development were to be considered 'essential'. There are no examples set within the policy or its supporting text as to what this constitutes, and the wording of the policy is not justified. The following policy, NE8: Development in the open countryside, provides 9 allowances where development would be supported by the Council. No such examples are provided in relation to policy NE7.
- 2.40 Additionally, for the avoidance of doubt, the CSDMP should make it clear through the policy or supporting text that the presumption in favour of sustainable development is triggered should the Council fail to evidence a 5 year supply of housing, and the boundaries should be reviewed as part of the Local Plan review process.

Issue 6: Whether Policy NE8 is consistent with national policy.

Question 6.1 Is Policy NE8 consistent with paragraphs 17 and 109 of the Framework?

- 2.41 Our Client does not wish to make written representations on this part of the question as part of this Hearing Statement.

Question 6.2 Is the Plan clear as to areas of 'valued landscape' and are these areas justified?

- 2.42 Our Client does not wish to make written representations on this part of the question as part of this Hearing Statement.

Question 6.3 Should Policy NE8 allow for development sustainably located on the edge of settlements, particularly where there is a lack of a 5 year housing land supply?

- 2.43 Our Client does not wish to make written representations on this part of the question as part of this Hearing Statement.