

SUNDERLAND CORE STRATEGY & DEVELOPMENT PLAN

EXAMINATION IN PUBLIC

REPRESENTATIONS [1]

1. I am instructed by Mr & Mrs Ebdale of Howbridge House, Mary Carruthers of Pawz for Thought and a substantial number of objectors to the removal of land at North Hylton from the green belt and the allocation of Growth Area HGA7.
2. The relevant objections references are in Appendix NMA1 of this statement.

PREAMBLE

3. I hold a Bachelor of Arts degree in Town and Country Planning from the University of Newcastle upon Tyne and the Common Professional Examination from the University of Northumbria. I have been a Chartered Town Planner since 1989 and practised in local government, the National Parks and the private sector for twelve years. I was also called to the Bar at Grays Inn at Trinity 1999. I have worked in the planning sector as a planner and barrister for around 30 years. I also specialise in Chancery matters and Local Government judicial reviews.
4. I have wide ranging experience encompassing all areas of planning from advertisement control through general development management, retail impact assessment and heritage assets. As an advocate I represent both local authorities and private clients in relation to development control and local plan issues. I have considerable experience in writing, assessing and applying local plan policies. I have represented local councils in the Examinations of three Core Strategies and numerous other Local Plans.
5. I make this statement in my capacity as both a Barrister at Law and a Chartered Town Planner.

INTRODUCTION

6. The Publication Draft version of the Core Strategy and Development Plan ("the LP") was subject to consultation from 15 June to 27 July 2018. This LP is the basis of the Examination.
7. The site HGA7 at Ferryboat Lane is proposed for deletion from the statutory green belt and allocated as a "Growth Area" to accommodate 110 houses.
8. The substance of these objections is as follows –
 1. the Plan does not adequately or objectively assess the OAN for housing
 2. the council cannot prove the Plan strategy will be delivered

3. the removal of this site from the green belt has not been adequately justified, in terms of exceptional circumstances, its contribution to the purposes of designation or the need for defensible boundaries
4. the allocation of the site for housing is based upon flawed evidence in relation to its landscape and biodiversity value.
5. the council cannot be satisfied that the development of this site will not have an adverse effect on European sites
6. the allocation ignores the clear harm to biodiversity, landscape and green belt purposes

TECHNICAL ISSUES

SESSION 1 - Q1.1 – Compliance with Consultation/participation procedures

9. The Council has a statutory duty to publish documents and make them available to all third parties. Members of the public have found the consultation process confusing and non-inclusive. At various stages in the process there have been failures to publish documents and to engage with all stakeholders. In the previous consultation stage this culminated in the failure to record around 750 objections in relation to allocation of this site for housing [then HY2, now HGA7]. The result of these failures is a lack of confidence in the local plan process and the real possibility that the publicity has been inadequate.

Q4.1 – Will mitigation in the HRA ensure no significant effects on the coastal sites?

10. The CSDP went out to consultation in summer 2018. The Final HRA was published alongside it on 6 June 2018. It was revised on 19 December 2018 [SD10]. The HRA does assess the strategic allocations [sites HGA7 and HGA8]. However the HRA screens out policy SP1 which commits the council to delivering at least 13,410 new homes in the city to 2033. The statement in Table 8¹ that the principles of SP1 are expected to safeguard European sites is in my submission inadequate. Further at that stage the HRA did identify likely effects to the European sites. If the council is making a commitment to deliver that quantum of development then surely it has to be satisfied that the likely effects on the coastal sites can be mitigated.
11. The failure to undertake an HRA of policy SP1 is a breach of the statutory duty and could cause harm to the European sites.

Q4.2 – Has the evidence base for HGA7 been updated to demonstrate no significant effects?

12. By way of background, Natural England's ("NE") stated position is that the Housing Growth Areas allocated within the zone of influence for the Northumberland Coast SPA are likely to have significant effects upon the site². This triggers Stage 2 – the Appropriate Assessment.
13. The HRA published for the council on 19 December 2018 appeared to screen out policy SS4 and site HGA7 at Table 8 but gave further consideration in the HRA.³ At s.8 mitigation by

¹ HRA June 2018 p.26

² Letter 27 July 2018

way of a minimum area of 1.9 hectares of SANG (alternative recreation space) and SAMM, monitoring and management, were proposed. This HRA appeared to consider six policies⁴, including HGA7 and HGA8, but failed to undertake an assessment of the cumulative impacts of these and other policies of the LP. A separate HRA was undertaken for North Sunderland Regeneration Sites in December 2019.

14. The Statement of Common Ground of 19 December 2018 states that Hellens have undertaken an “initial” HRA for site HGA7, but this has not to my knowledge been disclosed to the public. Notwithstanding that lack of transparency, NE stated that further HRA work was required by Hellens and would have to be agreed with NE. If this work failed to identify appropriate mitigation and delivery mechanism then NE would consider the Local Plan not to be sound unless the allocation was removed.
15. On 26 April 2019 a fresh HRA was published [EX1.014]. There is no explanation in the introduction as to the thrust of this document. It appears to differ from the earlier version at page 54, in the following terms -

8.30 Following discussions between Natural England and Sunderland City Council (March 2019), it has been concluded that the provision of a SANG in this locations would not provide an effective means of mitigating impacts on the coastal European sites. Therefore, while greenspace will be provided within the development complementing the existing greenspace provision described above, mitigation for the predicted increase in recreational activity will be addressed through the adoption of SAMM measures only (see paragraphs 8.58 and 8.59 below).

8.31 HGA7 will therefore contribute towards the strategic SAMM provision provided as part of the wider North Sunderland sites mitigation scheme (See: Sunderland City Council: North Sunderland Sites HRA report – BSG Ecology 2019).

8.58 Whilst the provision of SANG at HGA8 is likely to mitigate some impacts that may arise as a consequence of the proposed development, Natural England has advised that the unique nature of the coast will attract some residents of the developed sites (HGA7 and HGA8). SAMM measures are therefore likely to be required to achieve the necessary mitigation.

16. On 11 April 2019 the HRA for North Sunderland sites was re-issued to the client. It was published on 26 April 2019 as EX1.015. The site allocated as HGA7 now reverts back to site 416 and is tagged into the Council’s own allocated sites. The HGA concludes that site 416 is unable to rely on alternative greenspace provision so mitigation can be achieved by SAMM alone⁵. Table 17 sets out mitigation and in relation to site 416 states that the SANG of 1.9 hectares could be provided at Fulwell Quarry or Herrington County Park (which is potentially accessible by foot) although the distances involved would be a deterrent.

³ HRA Table 8 p.26, §5.9 and table 13 p.43 [SD10]

⁴ Table 13 p.43

⁵ see North Sunderland HRA [EX1.015] Table 18 p.50

17. The HRA conclusion is that a series of measures designed to mitigate impacts arising from people visiting the coast is appropriate and each site will contribute *pro rata*. The commuted sum contribution for site 417 is £77,352 towards SAMM.⁶ The measures will include the installation of dog bins on the north bank of the river Wear from Southwick to St Peters, SANG at Fulwell Quarry and an upgraded walking route avoiding the SSSI and LWS.⁷ The likelihood of development of site 416 and its SAMM contribution is set out in Table 21 as being wholly reliant on the outcome of the LP in terms of its present green belt status.
18. The entirety of the assessment of cumulative impacts of these sites on European species is in paragraph 9.9 which concludes that the mitigation measures will “ensure that there will be no adverse effects and no residual effects on the integrity of any European site”.

The Objectors Submissions

19. The land at Ferryboat Lane is proposed to be allocated for housing as HGA7. The recognised harmful effect on the European protected sites can now apparently be mitigated by a one off commuted sum of £77,352 and alternative greenspace elsewhere. The recent conclusions of the AA are completely inconsistent with the earlier evidence and therefore wholly unconvincing for the following reasons –
- > the SHLAA identified this site (then part of 804) as having significant biodiversity constraints, being within 6kms of the coastal wildlife corridor, near the LNRs, part of the strategic Wear wildlife corridor and having priority species recorded in the area
 - > the (wider) site was also identified as having a high impact on Green Infrastructure, being part of the GI corridor, in proximity to the C2C and being natural greenspace
 - > the site was categorised in the site assessments in 2018 as forming a major section of the wildlife corridor and having priority species recorded in the area⁸
 - > NE objected to the soundness of the LP in December 2018 as it was not demonstrated that the adverse effect on the European sites could be mitigated
 - > there is no explanation as to the substantial change in position from either NE or the council
 - > the assertion that SANG at Fulwell and a dog walking route at Southwick would be effective mitigation for this site allocation is fundamentally flawed. Fulwell is 4.8 miles away and Southwick is about 3 miles away (see map at NMA2)
 - > the suggestion that Herrington County Park would function as alternative greenspace and is within walking distance of this site is flawed. Herrington CP is over 6 miles walking distance from Ferryboat Lane (see map at NMA2)

⁶ Table 20 p.60

⁷ see Figure 5

⁸ Appendix L Sunderland North Site Assessments 416B

- > the likelihood is that if the site were released for housing people and their dogs would use the local nature reserves, cause harm to the function of the strategic wildlife corridor and potentially disturb protected species in the area.
20. There is a statutory requirement that any plan or project likely to have a significant effect on a European site must be subject to an appropriate assessment to determine whether it will have an adverse effect on the integrity of the SPA, in view of the site's conservation objectives. If an adverse effect cannot be ruled out, then in order to proceed the plan or project must pass the strict tests on alternative solutions and imperative reasons of overriding public interest and provide adequate compensatory measures.
21. There appears to have been a complete *volte face* on the position of the Council and Natural England between December 2018 and April 2019. This is a period in which objectors have no right to be heard and no evidence has been published to explain the situation. The Inspector should be satisfied that this decision is properly evidenced, by the disclosure of any correspondence relevant to this position; including between the council, Natural England and Hellens. The objectors reserve the right to comment further on the evidence when it is disclosed.
22. Given there is a statutory duty to consider the cumulative effects of all projects in the plan, in my submissions the explanation at paragraph 9.9 is wholly inadequate.
23. On the basis of the evidence put forward to the Examination and the material shortcomings in the AA an adverse effect cannot be ruled out. For that reason alone the allocation of this site should be rejected.

SESSION 2 Q3 – has exceptional circumstances been demonstrated for green belt alterations

24. It is well established that green belt boundaries should only be altered in “exceptional circumstances” and the NPPF has not changed this test. Secondly, the mere fact a new local plan is being prepared is not of itself an exceptional circumstance⁹. Thirdly, the test remains what it was previously; that is, “*exceptional* circumstances are required which *necessitate* a revision of the boundary” (a single composite test). Fourthly, whether those exceptional circumstances can be demonstrated is fact sensitive and a matter of planning judgment in a local plan exercise. Fifthly, once a green belt has been established and approved it takes more than general planning concepts to justify an alteration¹⁰.
25. The CSDP sets out the strategic approach in s.4. The starting point is the LHN of 593 dpa, increasing this to support the economic growth option and then adding more supply (above the OAN)¹¹ to give flexibility. This produces the figure of 745 dpa. The reason for seeking green belt deletions is that some brownfield sites may be unviable to develop out¹² and to bring forward sites in the northern part of the city to rebalance distribution. The overall

⁹ Gallagher Homes Ltd v Solihull MBC [2014] JPL 1117

¹⁰ this point was endorsed on appeal in Gallagher [2015] JPL 713

¹¹ CSDP §4.15

¹² CSDP §4.20

shortfall of land is said to be 177 dwellings. The spatial strategy then proposes GB amendments to accommodate 1330 new homes.

26. Given the correct test is that *exceptional* circumstances are required which *necessitate* a revision of the green belt boundary then the Inspector will have to be satisfied that all of the following elements of the strategy have been proven –
1. the level of economic growth, the creation of 7,200 jobs, is appropriate
 2. this will generate a need for 13,410 units
 3. at least 95 ha of employment land will be delivered in the plan period
 4. the IAMP will deliver despite Nissan withdrawing new model production from the UK
 5. the anticipated influx of workers¹³ into Sunderland will materialise
 6. that no other brownfield sites will contribute to supply on viability grounds
27. Plainly all of the above factors have to be taken in the round. However the shortfall which appears to justify amendments to the green belt boundary is only 177 units of the overall housing land supply¹⁴ in comparison to the spatial strategy which allocates green belt land for 1330 units. In my submission the strategy is based on unrealistic growth scenarios, it is reasonable to conclude that it will not be delivered in full and the GB deletions are completely out of proportion to the shortfall. The quantum of green belt deletions appears to be based upon the previous housing shortfall of 1357¹⁵ and has not been changed since the earlier draft CSDP. There is no justification in the Submission Draft CSDP for releasing land for 1330 units. Firstly it is not *necessary* to make green belt amendments for this plan period and alternatively the need, if accepted, is only for 177 units.
28. The documents which support green belt deletions and demonstrate exceptional circumstances do not bear scrutiny. The Green Belt Review Stage 1¹⁶ (2016) states that the green belt was examined “to determine if it is fully fit for purpose, and aligned to the five purposes of green belt”. There is no reference to there being exceptional circumstances for changes at this stage.
29. The Stage 2 Assessment addresses exceptional circumstances at section 4. This identifies a shortfall in housing land and concludes that land release from the green belt is the only realistic development solution for the city¹⁷. The Stage 3 Site Selection Report is the sister document to the above report and does not address exceptional circumstances directly.
30. The LP was drafted on the basis of this evidence. In February 2018 the Council decided that it did not have adequate resources or in-house expertise to justify the exceptional circumstances. This was around 12 weeks before the LP was published for consultation. The brief to Peter Brett Associates (“PBA”) was to assist the council in justifying its case [see NMA3]. In particular the council required the paper to include “a conclusion setting out a

¹³ CSDP 4.13

¹⁴ $177/13,410 = 1.3\%$

¹⁵ GB Stage 2 para 4.7

¹⁶ SD29

¹⁷ Stage 2 §4.9

comprehensive case which demonstrates that exceptional circumstances exist, which justify the deletion of land from the green belt". The letter of 18 February 2018 from PBA confirmed its understanding of the brief as being "*Ultimately the purpose of the paper will be to confirm that exceptional circumstances exist to justify the release of land from the green belt*" [see NMA4]. There is no suggestion that it was open to PBA to review the evidence and reach a different conclusion, for example that exceptional circumstances may not exist and releases could not be justified in this plan period. In my submission there was not a neutral request for a review of the Councils work, but a requirement only to endorse it. This undermines the reliability of the PBA Report.

31. Secondly this is apparent within the report, for example on housing need PBA simply repeats the Council's position, concludes that the growth strategy is robust and should be supported. The report does not consider other options or question the basis of the strategy. The report also displays bias, for example in paragraph 4.21 it suggests that the shortfall in sites may be greater as not all of the SHLAA sites may come forward or may not deliver at the rates envisaged. However the report fails to recognise the countervailing view that other windfall sites may come forward and SHLAA sites may deliver more houses than predicted. Given the shortfall is only 177 units this is a point of substance.
32. The PBA Report also states that the need to support economic growth is a consideration when examining exceptional circumstances¹⁸ and I agree with this as a proposition. However the report fails to consider that the IMAP allocation is a regional driver and workers will not necessarily move to Sunderland. Secondly the PBA Report was written before the impact of Brexit (and other Government policies) on the automotive industry and the Nissan plant was recognised. Given the Experian forecast relied on IAMP to deliver 45% of economic growth over the plan period this is an important change.

SESSION 2 – Q4 Is the safeguarded land in the right place to meet longer term needs

33. The developer of site HGA7 has made representations that land adjacent to this site should be safeguarded. Firstly as a general point there should be adequate land, if required, for safeguarding identified in the Submission Draft LP. The land adjacent to HGA7 has been found by the council and PBA to contribute to three purposes of green belt designation. In such circumstances even if HGA7 is released for development no more land should be removed from the green belt. In any event site HGA7 and the safeguarded land would not have robust boundaries as required by the NPPF.

SESSION 3 – Q1 The OAN and Requirement and Q3 alignment between housing and employment

34. Policy SP1 provides for 13,410 new homes, 7,200 jobs and 95ha of employment land. Plainly these are all interlinked as the OAN for housing land is based on a policy of economic uplift. The IAMP allocation north of Nissan is also highly material as it is an important driver for economic growth and there is a clear link between it and the perceived demand for new housing in Sunderland¹⁹.

¹⁸ PBA §4.34-4.41

¹⁹ CDSP §4.13

35. The ELR was published in 2016 and a Post-EU Forecast was published in 2017 [SD38]. These both informed the draft Core Strategy published in 2017. This spatial strategy provided land for 13,824 homes, 10,337 jobs and 95ha of employment land. There appears to be inconsistency between the proportion of homes to jobs in 2017 and in the 2018 submission LP, despite being based on the same ELR evidence.
36. The supply of employment land shown in Table 11 is 130 ha, whilst SP1 allocates 95ha. The council has advised that 33 ha was removed as recommended in the ELR 2016. It is not clear if, or how many of, those sites removed have been assessed as potential housing sites (said to be 26ha). The Council's answer to a preliminary question is that four sites could potentially deliver 1167 houses²⁰. Whilst some may well have constraints and viability issues, it is incumbent on the Council to explore their potential in order to prove exceptional circumstances for GB deletions.
37. It is also for the council to demonstrate that there is no land or housing allocations outside the green belt in neighbouring authorities which could accommodate some of the OAN.
38. In my view the housing requirement is higher than is reasonable to support job growth adopting as it does a high in-migration factor from IMAP, when in fact overall economic growth is likely to be suppressed by pre-Brexit uncertainty, Brexit if and when it actually happens and commercial decisions made by Nissan (agreed to be a major reason for the IMAP allocation in all submission documents)²¹ and other employers in Sunderland.
39. It is also the case that IMAP is a strategic allocation which is designed to attract regionally if not nationally significant employers. It is unrealistic to assume and plan for their employees to live in Sunderland. Many of those employees may already be settled in other areas, may have partners who work elsewhere and children in school elsewhere. It is unreasonable to plan for all those workers to relocate to Sunderland. The experience at Nissan, where approximately 70% of the workers live outside Sunderland, suggests this is over ambitious.
40. The CSDP is based on ONS projections in accordance with the NPPG. However the standardised methodology for calculating LHN would produce a substantially lower figure. Whilst it may be correct to say that the council are complying with the transitional provisions of the NPPF in my submissions it would be wrong to completely ignore such a large disparity.

MISS NICOLA ALLAN

MRTPI

²⁰ EX1.008 §18

²¹ ELR §2.37

APPENDIX NMA1

OBJECTORS REFERENCES to CS 2017

OBJECTIONS TO DRAFT CORE STRATEGY

| | |
|------|------------------------------------|
| 4528 | Margaret Lynne Ebdale |
| 1189 | John Ebdale |
| 3017 | James Ebdale |
| 3775 | Lynne Ebdale |
| 2550 | Mary Carruthers – Pawz for Thought |

OBJECTIONS TO SUBMISSION DRAFT CORE STRATEGY

MR & MRS JAMES EBDAL - 1136253
PD3239,PD3242,PD3243,PD3246,PD3249,PD3250,PD3251,PD3254,PD3255,PD3256,PD3257

MARY CARRUTHERS – PAWZ FOR THOUGHT – 1135629
PD274,PD275,PD276

DRAFT

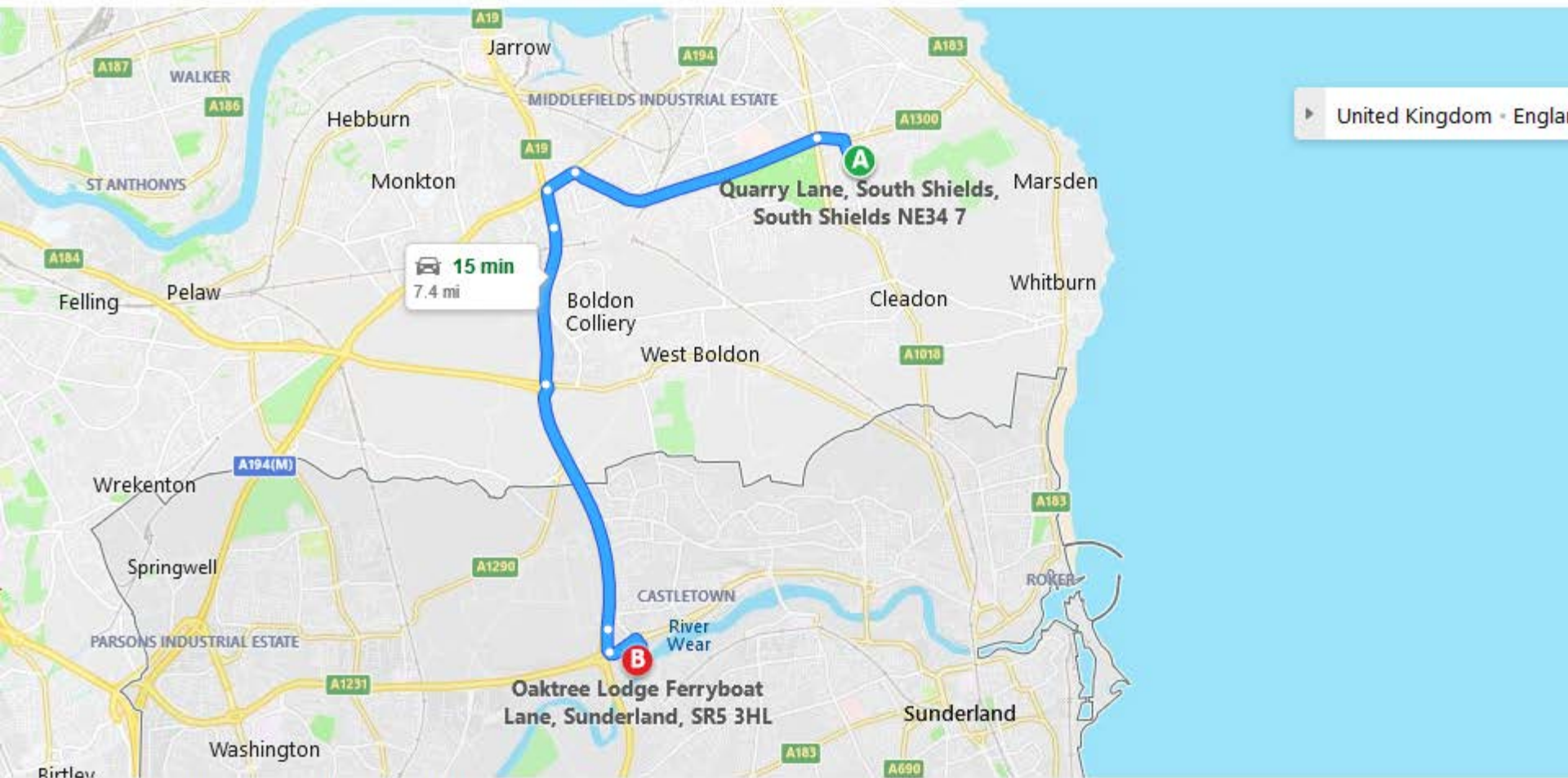
Hotels

Restaurants

Coffee

Petrol stations

Grocery stores



Attractions

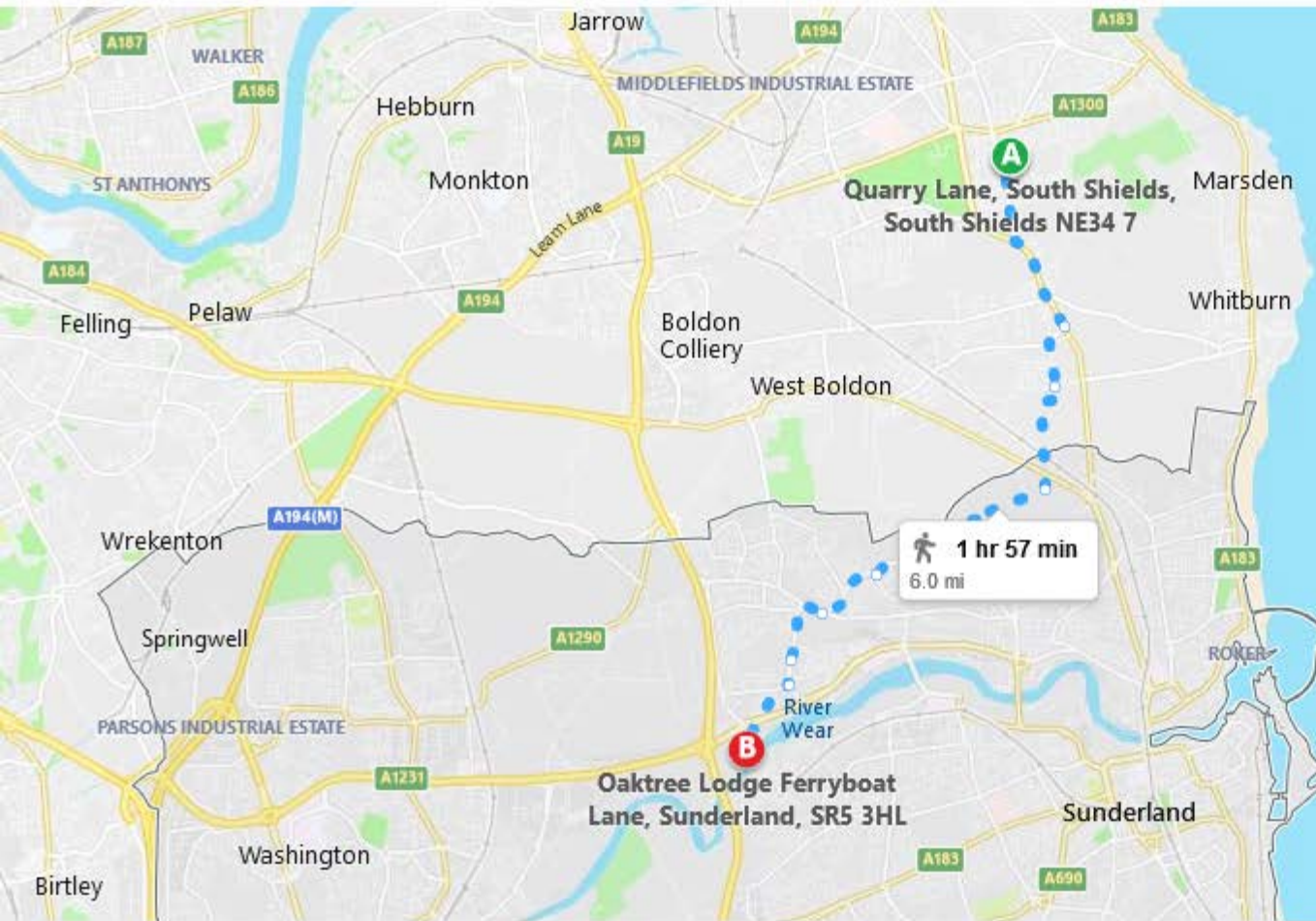
Hotels

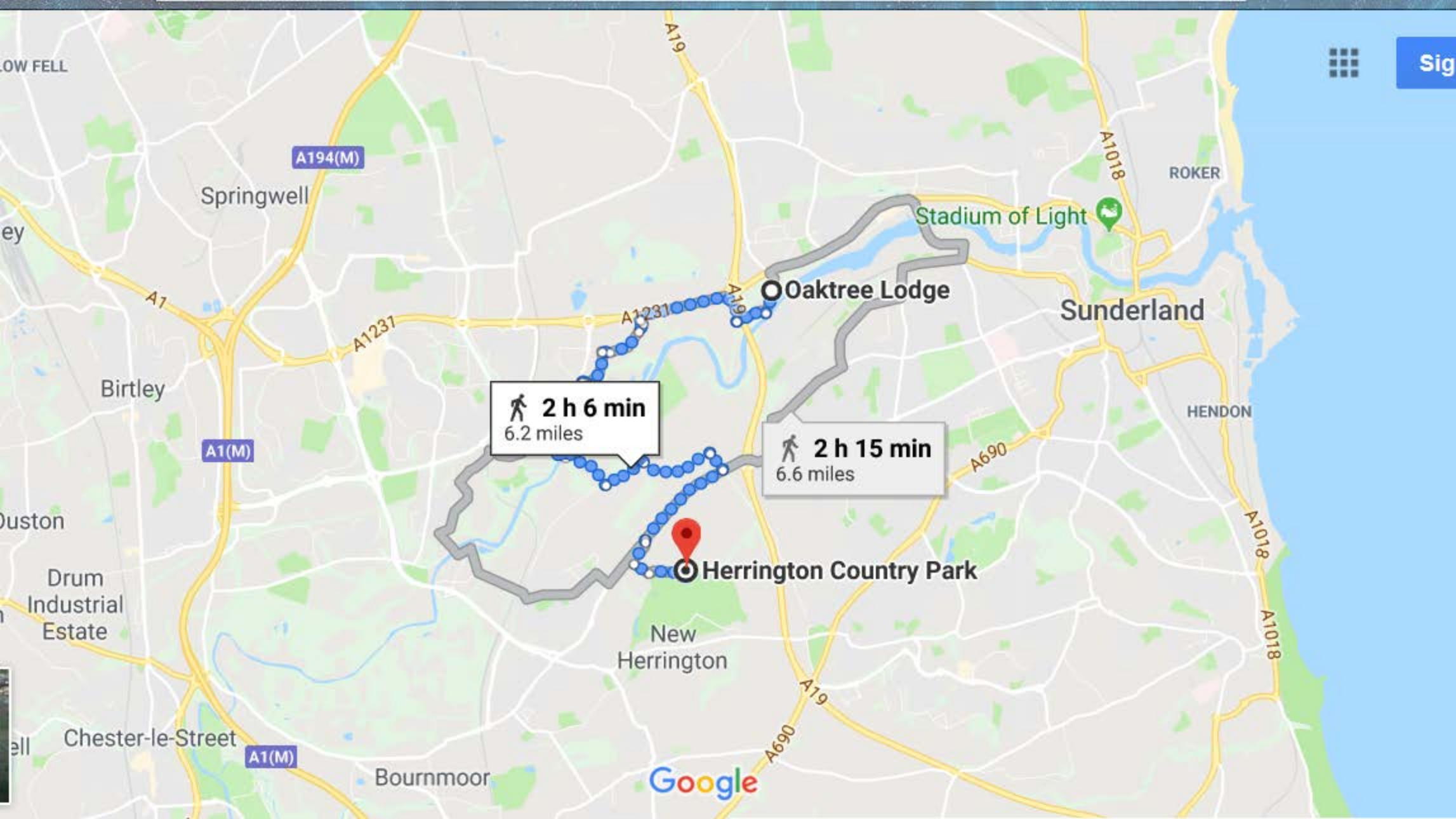
Restaurants

Coffee

Petrol stations

Grocery stores





 **2 h 6 min**
6.2 miles

 **2 h 15 min**
6.6 miles

Exceptional Circumstances Brief

Introduction

Sunderland City Council is seeking to commission consultants to prepare an 'exceptional circumstances' paper to inform the emerging Core Strategy and Development Plan and to assist the Council in justifying amending the Tyne and Wear Green Belt boundary to accommodate anticipated levels of growth.

In addition, we are also seeking to appoint consultants to undertake a review of the Green Belt boundary and recommend a new Green Belt boundary for the Sunderland City Council administrative area.

It is expected that to fulfil this brief, the consultant will require expertise and experience of Local Plan making and Green Belt policy.

Background

Sunderland City Council is preparing its Core Strategy and Development Plan. The Plan proposes to amend the Tyne and Wear Green Belt boundary to enable the development of approximately 14000 net additional homes over the plan period from 2015 to 2033 and safeguard land for beyond the Plan period.

The NPPF places great weight on the protection of Green Belt and states that Green Belt boundaries should only be altered in exceptional circumstances through the preparation of a Local Plan (paragraph 83). We consider that in general terms, there are exceptional circumstances that justify amending the Green Belt boundary of Sunderland, in accordance with the NPPF.

Our evidence base identifies a high level of need for market homes and an insufficient supply of suitable and deliverable sites located outside the Green Belt to meet the city's housing needs. Therefore, if the Council chose not to amend its Green Belt boundary, this would lead to a significant undersupply of homes when compared to the identified needs.

The Council has undertaken a Stage 1 and Stage 2 Review of its Green Belt. Stage 1 assessed the entire Green Belt against its purposes and Stage 2 assessed the sustainability, suitability, deliverability and achievability of land for housing development. This study has determined the most appropriate areas to be removed from the Green Belt however additional work is required to prepare a revised Green Belt boundary which will be robust.

Additional work is also required to justify the exceptional circumstances for removing land from the Green Belt.

Key requirement of the Brief

The Green Belt Boundary Review should include

- A critical review of the Council's current assessment

- A review of all relevant national policy and legal requirements for amending Green Belt boundaries;
- A methodology for defining the most robust boundary; and
- Recommendations for a new Green Belt boundary

The Exceptional Circumstances Paper should include:

- A review of all relevant national policy and legal requirements for amending Green Belt boundaries;
- A review of the relevant evidence base;
- The Strategic context for the exceptional circumstances for amending the Green Belt boundary;
- A review of the barriers for delivery, including the spatial distribution of housing in Sunderland and lack of supply in the Washington sub-area, particularly later within the plan period;
- The economic need for more homes in the Washington sub-area; and
A review of alternative approaches including the amount of committed development in the SHLAA, employment land, open space, settlement breaks, open countryside, small site allowance, increased density levels and bringing empty homes back into use.

The paper should include a conclusion setting out a comprehensive case which demonstrates that exceptional circumstances exist, which justify the deletion of land from the Green Belt.

The Council would seek the consultant to support the Council at an examination in public.

Required Outputs

- It is essential that the paper(s) are founded on a robust and credible evidence base, that has regard to the tests of soundness and in particular the three principles of 'justified' and 'effective' and 'consistency with national policy'.
- The Council will require an electronic version of the paper.
- The Council will require the consultant to attend the examination in public.

Timetable

These Paper(s) should be completed by 31st March 2018

An Inception meeting should take place in January 2018

An early draft will be required by the end of February.

Governance

The project will be managed by:

XXXXXXXXX, Strategic Plans and Housing Manager, Sunderland City Council

A project working group will be established with key council officers across the Council and the consultants team.

Costs and Payment

Billing for the services will be based on actual time and materials incurred. The billing rate will be on a day rate, based on a 7 hour day. Schedule of staff and C.V.'s will be presented for agreement prior to appointment.

Out of pocket expenses will be paid with prior approval.

Payment will be 28 days following receipt of invoice.

Copyright

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Our Ref: 43376

02 February 2018



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[REDACTED]
Strategic Plans and Housing Manager
Sunderland City Council
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Dear [REDACTED],

RE: CONSULTANCY PROPOSAL – EXCEPTIONAL CIRCUMSTANCES PAPER AND GREEN BELT BOUNDARY REVIEW

Introduction and Understanding of the Brief

Thank you for inviting Peter Brett Associates LLP (PBA) to submit a proposal to assist Sunderland City Council (SCC) with the production of an Exceptional Circumstances Paper and Green Belt boundary review. We would be delighted to assist you with this critically important piece of work.

We have studied the project brief and understand that SCC is seeking to commission an Exceptional Circumstances Paper to inform the emerging Core Strategy and Development Plan (CSDP), for which PBA is currently producing a Sustainability Appraisal, in order to justify amending the currently defined Tyne and Wear Green Belt boundary to accommodate residential growth. As part of this work the Council also requires advice on defining a robust new Green Belt boundary, and may request support at the forthcoming Examination in Public (EiP).

The Council's latest Strategic Housing Market Assessment (SHMA, 2017) identifies an Objectively Assessed Need (OAN) for housing over the plan period from 2015 to 2033 of c.14,000 net additional dwellings, equating to an average of 768 net additional dwellings per annum. We understand that the work undertaken by the Council to date has concluded that there is a shortfall in deliverable housing land supply within the existing urban area to accommodate all of this growth, and that additional land is required to accommodate in the region of 1,400 dwellings. The release of land from the currently defined Green Belt is considered to be the only realistic option to accommodate the scale of growth envisaged.

The Council has already undertaken a three stage review of the Green Belt, as follows:

- Stage 1 (Growth Options) – this divided the Green Belt into 13 sub-areas, which were then broken down further into smaller 'fields'. These 'fields' were then assessed against the five Green Belt purposes set out in the National Planning Policy Framework (NPPF). Some land parcels which performed a strong Green Belt function were then excluded from further consideration, while others were recommended to be carried forward for the next stage of assessment.



- Stage 2 (Update of Stage 1, 'Call for Sites' review and Constraints Assessment) – this stage of work involved a review of Stage 1 to consider consultation responses, an assessment of specific sites put forward by landowners and developers through the 'call for sites' exercise, and a 'Category 1' constraints review (i.e. whether the site is constrained by SSSI, RAMSAR, Flood Zone 3, SAC, SPA, etc).
- Stage 3 (Site Selection) – this report considers the overall deliverability of the sites taken forward from Stages 1 and 2. Each site was assessed against a range of suitability, availability and achievability criteria, and a conclusion was reached as to which sites were deemed to be the most appropriate for release from the Green Belt.

This commission will build on the work undertaken to date, and will (i) verify the justification for Green Belt release, and (ii) determine the most appropriate and robust revised Green Belt boundary.

Our Experience

PBA has amassed a wealth of experience across the country relating to Green Belt matters, having undertaken Green Belt Reviews and related work on behalf of numerous local authorities over many years. We have also undertaken a large number of SHLAAs, SHELAAs, Gypsy and Traveller Site Assessments and various other studies, many of which have involved detailed consideration of Green Belt issues.

In addition, PBA has engaged with Green Belt Reviews and land availability issues affecting the Green Belt on behalf of various private sector clients, including extensive involvement in Green Belt site promotion for small development sites through to large sustainable urban extensions. We therefore have a deep understanding of the issues surrounding Green Belt and the urban fringe. Our experience means we have examined a lot of Green Belt work across the country and are therefore well placed to recognise – and hence avoid – the pitfalls sometimes experienced by other local planning authorities.

This commission will be led by [REDACTED] (Partner) with assistance from [REDACTED] (Senior Associate), both of whom have a wealth of expertise in Green Belt matters, having been directly involved in many of the aforementioned studies and site promotion work. [REDACTED] and [REDACTED] will be supported by various other experienced members of staff as necessary to deliver the commission, including colleagues with GIS expertise. The team we propose therefore brings practical experience in effective evidence-based development planning, rooted in a strong understanding of site deliverability.

The ethos of the team is one of using the planning system – and development plans in particular – to achieve positive outcomes. Our longstanding involvement with development plans and the great deal of work we have undertaken in the preparation of plans at local and strategic levels is testament to this.

Scope of Work and Fee Proposal

Exceptional Circumstances Paper

The brief sets out the anticipated tasks associated with the exceptional circumstances paper, which in summary will include the following:

- A review of relevant national policy and legal requirements for amending Green Belt boundaries;
- A review of the existing evidence base;



- Provision of a commentary on the strategic context for the exceptional circumstances for amending the Green Belt boundary;
- An overview of the identified constraints and barriers to housing delivery, including the spatial distribution of housing in Sunderland and, in particular, the lack of supply in the Washington sub-area within the plan period;
- A commentary in relation to the economic need for more homes in the Washington sub-area; and
- A review of alternative approaches to meeting the OAN, including a review of the amount of committed development in the SHLAA, employment land, open space, settlement breaks, open countryside, small site allowance, increased density levels and bringing empty homes back into use.

Ultimately, the purpose of the paper will be to confirm that exceptional circumstances exist to justify the release of land from the Green Belt.

Green Belt Boundary Review

The key tasks associated with the Green Belt boundary review will be as follows:

- A critical review of the existing Stage 1, 2 and 3 assessment work undertaken by the Council;
- A review of relevant national policy and legal requirements for amending Green Belt boundaries;
- Definition of a sound methodology for defining the most robust new Green Belt boundary; and
- Assessment of potential Green Belt release parcels against the boundary methodology, and provision of recommendations for a new Green Belt boundary.

We also note that there could be a potential need for an element of ground-truthing key GIS outputs, if the Council has not yet undertaken any non-GIS based work to date. The purpose would be to check that the GIS outputs tally with what is actually on the ground. There may be a few specific locations where significant housing growth is proposed and it may be useful to verify what the GIS analysis indicates in terms of the presence or absence of Green Belt related constraints. We raise this because it is something we have encountered elsewhere; we suggest that we cover the issue at the inception meeting.

Budget Requirement

In advance of a more in-depth briefing and discussion, we suspect that our budget requirement in relation to the Exceptional Circumstances Paper and the Green Belt Boundary Review will be in the region of £30,000 to £35,000 (plus VAT and expenses). Given the likely complexity of the work, it is our intention to refine the scope of work and precise methodology with you at the inception meeting, following which we will confirm our specific budget requirement for the agreed work.

Other Project Management Matters

We note that the brief stipulates that the draft reports should be available by the end of February 2018, with final reports due by the end of March 2018. We consider that this timescale is challenging, albeit potentially achievable provided we are instructed without delay and that we hold the inception meeting as soon as possible (preferably sometime during the week commencing 5 February 2018). As set out in the brief, the study outputs will be provided in electronic format unless otherwise agreed with the Council.



We intend to submit invoices on a monthly basis to cover the work completed, up to the budget ceiling. However, we are open to agreeing a suitable staged payment schedule if this would be preferable. Our usual payment terms are 28-days from the date on each invoice.

As stated above, the commission will be led by [REDACTED] (Partner) as project director and [REDACTED] (Senior Associate) as project manager. Where necessary we will involve other experienced PBA staff as appropriate, including GIS specialists. CVs of all staff to be involved in the work can be supplied upon request.

We note that the Council may require support at the forthcoming EiP. For the avoidance of doubt, the fees set out in this proposal do not include the preparation for and attendance at the EiP. Should assistance at the EiP be necessary we confirm that we can provide this support – having participated in numerous EiPs across the country – and we will agree a separate budget with you at the appropriate time once we have a better understanding of what level of work will be required and for how many days we are likely to be needed.

We trust that we can move forward on the basis set out above, and would be grateful if you would sign and return the attached acceptance form to formalise our instruction. We also include our Standard Terms and Conditions of Engagement for your perusal, and all work will be carried out in accordance with this.

We look forward to working with you.

Yours sincerely

[REDACTED]
Partner

For and on behalf of

PETER BRETT ASSOCIATES LLP

Encs Acceptance Form and Authorisation to Proceed
Standard Terms and Conditions



ACCEPTANCE FORM AND AUTHORISATION TO PROCEED

Proposal Reference: 43376
Date of Issue: 02 February 2018
Issuing Director: [REDACTED]
Description: Planning Consultancy Services – Exceptional Circumstances Paper and Green Belt Boundary Review
Costing: Exceptional Circumstances Paper and Green Belt Boundary Review: £30,000 to £35,000 (precise figure to be confirmed following the inception meeting) + VAT and expenses

Please confirm your acceptance of the terms of this framework agreement for planning consultancy services as set out in this letter by returning this sheet signed by a duly authorised signatory.

Signed: Date:

Print Name:

For and on behalf of:

Please forward this signed acceptance to Peter Brett Associates LLP to confirm our appointment in accordance with the terms of this proposal.

FAO: [REDACTED]
Peter Brett Associates
Oxford Place
61 Oxford Street
Manchester
M1 6EQ

Tel: 0161 245 [REDACTED]
Fax: 0161 245 [REDACTED]
Web: www.pba.co.uk