

Agenda

Session 1 – 09.30 Tuesday 21 May 2019

Matter 1

Legal Compliance, Procedural Requirements and the Duty to Cooperate

This matter explores whether the Plan (LP) has been prepared in accordance with legal and procedural requirements set out in the Planning Act 2004 and the Local Planning Regulations 2012.

There are provisions within the Act and Regulations relating to the Duty to Cooperate (DtC), Sustainability Appraisal (SA), publication and notification requirements and dealing with representations.

Issues:

1. Compliance with procedural requirements including consultation/participation procedures

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?

The Council's considers that the Consultation Statement (SD.7) shows that engagement has complied with the SCI and Local Plan Regulations.

1.2 Has engagement been effective?

1.3 Has engagement struck the right balance between electronic means of communication and other methods?

1.4 Have any failings at various stages of the process referred to by representors been fatal to meeting the minimum requirements?

2. Compliance with the DtC, particularly in relation to consideration of housing needs

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)?

The Council refers to the Strategic Housing Market Assessment (SHMA) defining Sunderland as a self-contained HMA. It also draws attention to contact with neighbouring authorities as set out within the DtC Statement (SD.11).

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 Council makes reference to engagement with prescribed bodies as set out in SD.11 and cooperation with infrastructure providers that has fed into the Infrastructure Delivery Plan (IDP) (SD.59).

3. The SA and its consideration of reasonable alternatives

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

The Council points to the contents of the SA (SD.5) and the fact that alternative allocations and policy criteria were subject to assessment.

4. Habitats Regulations Assessment (HRA)

4.1a Will the mitigation measures proposed within the HRA ensure that there will be no significant effects on the integrity of the Coastal Sites of European importance?

The Council refers to measures set out in Table 18 of the HRA for the North Sunderland Regeneration Sites (EX1.015) which include a combination of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM). Reference is also made to the Statement of Common Ground with Natural England (EX1.016).

4.1b Does the HRA satisfactorily consider the implications of Policy SP1 and the delivery of 13,410 homes?

4.2 Has the evidence base for HGA7 (North Hylton) and HGA8 (Fulwell) been updated to demonstrate that mitigation measures will ensure there will be no significant effects on the integrity of the European Coastal Sites?

The Council notes the contents of EX1.015 and EX1.016 as referred to above.

4.2b Is the mitigation referred to in EX1.014 and EX1.015 sufficient to prevent significant adverse effects on European sites?

4.2c In particular in relation to HGA7 is the adoption of SAMM measures only acceptable?

5. The Local Plan timeframe

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

The Council refers to paragraph 157 of the 2012 Framework and the preferred 15-year time horizon. It is acknowledged that if the Plan is adopted in 2019 it would only have a 14-year period post adoption but that rebasing the evidence would be onerous.

Attention is also drawn to the requirement to review Plans every 5 years.

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

The Council notes that the evidence base relates to the period 2015-2033.

Main Evidence Base (Submission and Examination Library Documents – SD and EX)

SD.7 – Consultation Statement

SD.16 – SCI

SD.5 & 6 - SA Reports

SD.10 – Report to inform HRA

SD.11 – DtC Statement

SD.59 - IDP

SD.66 - Compliance Statement

EX1.008 and EX1.010 – Council responses to Inspector’s preliminary questions

EX1.014 – Revised HRA

EX1.015 – HRA for North Sunderland Regeneration Sites

EX1.016 - Statement of Common Ground with Natural England

Statements

EX2.001 - Sunderland City Council

EX2.002 - John Blundell (ID1170267)

EX2.003 - Springwell Residents' Association (ID868362)

EX2.004(a) - Chris Smith – Lichfields (Story Homes-Norman Elliott) (ID963412)

EX2.004(b) - Chris Smith – Lichfields (Story Homes-Michael Ford) (ID963412)

EX2.005 - Chris Smith – Lichfields (Taylor Wimpey) (ID1120527)

EX2.006 - Chris Smith – Lichfields (Hellens) (ID1169009)

EX2.007 - Nicola Allan - Trinity Chambers (Mr & Mrs Ebdale & Others) (ID1136253)

Participants

Sunderland City Council

Name	Company	Representing	ID Number
Chris Smith Neil Westwick Richard Newsome	Lichfields	Story Homes	963412
Chris Smith Neil Westwick Steve Willcock	Lichfields	Taylor Wimpey	1120527
Chris Smith Neil Westwick Gavin Cordwell-Smith Katie Rumble	Lichfields	Hellens	1169009
Chris Smith Neil Westwick	Lichfields	Burdon Lane Consortium	1131101
George Martin		Springwell Village Residents' Association	868362
Michele Johnson		Springwell Village Residents' Association	868362
John Blundell	Resident		1170267
Christopher Martin	WYG	Bellway Homes Ltd	1116059
Nicola Allan	Trinity Chambers	Mr & Mrs Ebdale, PAWZ for Thought and Others	1136253