

## Appendix 3 - Local Plan Inspectors Report Summary

1. The Inspectors Report concludes that subject to Main Modifications (which are set out in the Appendix to the Inspectors Report) the Plan meets the criteria for soundness and legal compliance set out in legislation and the National Planning Policy Framework and is capable of adoption. This paper summarises the findings of the report referencing key modifications which have been made to the Local Plan following the examination.

### Assessment of the Duty to Co-operate and Legal Compliance

2. In accordance with its legal **duty to cooperate** in the preparation of the Local Plan, the Inspector concludes that the Council has engaged constructively, actively and on an on-going basis with relevant stakeholders including, amongst others, adjoining local authorities and key agencies. The Local Plan was progressed in accordance with the timescales set out in the **Local Development Scheme**, consultation took place in accordance with the **Statement of Community Involvement**, the accompanying **Sustainability Appraisal** was considered to be adequate, and updated **Habitats Regulation Assessment** confirms that the Local Plan will not result in direct loss of any habitats in the Teesmouth and Cleveland Coast SPA. The Inspector has also considered the Public Sector Equality Duty in his recommendations concluding that the plan would not disproportionately or negatively affect people who share a protected characteristic.

### Assessment of soundness

3. The largest aspect of the inspectors report is the consideration of soundness. The NPPF identifies that to be considered sound a Local Plan should be positively prepared, justified effective and consistent with national policy.
4. The following provides a summary of the main issues considered in the inspectors report in relation to soundness.

#### Issue 1 – Whether the Plan is informed by a robust, objective assessment of housing need and whether the housing requirement is justified

5. The Plan is informed by robust technical evidence and the housing requirement will meet housing need.

#### Issue 2 – Whether the Plan's housing strategy and distribution of growth are justified, effective and consistent with national planning policy

6. The housing strategy and distribution of growth is consistent with national policy. Modification has been made to the approach to housing in villages to confirm that new build housing within the village limits will be supported where the land is not allocated for another purpose.

#### Issue 3 - Whether the process for selecting residential allocations was robust, and whether they are justified, viable and capable of being developed over the plan period

7. The methodology, approach and evidence to support housing site selection is satisfactory, subject to main modifications to Policy H1 (Housing Commitments & Allocations) which are to:
  - confirm that the principle of residential development is acceptable on “re-affirmed” sites;
  - provide development principles for all of the allocated sites;
  - delete Boathouse Lane as an allocation owing to deliverability constraints associated with flood risk and identifying Tees Marshalling Yard as a long-term regeneration opportunity site owing to the deliverability constraints of the site;
  - include a requirement for remodelled facilities to be provided in advance of residential development at Eaglescliffe Golf Course; and
  - require housing sites that are on playing fields to accord with Policy TI2. Modification is also made to highlight a range of appropriate actions the Council may take should it become apparent that allocated sites associated with playing fields have not become surplus to

requirements as expected, and alternative provision has not been secured through Policy T12 (community Infrastructure).

8. Modifications to H2 and H3 (relating to West Stockton Strategic Urban Extension and Wynyard) are proposed to make the policies effective. Amendments have not fundamentally amended the general thrust of these policies.

[Issue 4 – Whether there is a reasonable prospect of a five-year supply of deliverable housing sites on adoption, and whether the policies and allocations in the Plan will ensure that the housing requirement is met](#)

9. Confirms that the housing trajectory discussed at examination demonstrates that there is a five-year supply of deliverable housing sites upon adoption and that the Plan makes adequate provision, through identifying a range of different sites, to ensure that there is a reasonable prospect of maintaining a rolling five-year supply over the Plan period.
10. A modification is made to policy SD3 (Housing Strategy) and supporting text to confirm the actions the Council will take should it become apparent that a five year supply cannot be demonstrated, or that delivery is constantly falling below the housing requirement.

[Issue 5 - Whether the Plan identifies the correct level of affordable housing need and makes appropriate provision to meet it](#)

11. Confirms that the Plan identifies the correct level of affordable housing needs and makes appropriate provision towards meeting it (the affordable housing requirement for new sites is 20%).

[Issue 6 – Whether policies relating to the type, tenure and mix of housing are justified and consistent with national policy](#)

12. Concluded that subject to modification Policy H4 (Meeting Housing Needs) is justified and consistent with national policy and will contribute towards meeting identified needs. With regards to specific needs the report notes:

- **Custom and self-build housing-** sites identified to meet need and should further needs arise the Plan is positively worded to support future delivery.
- **Student accommodation-** support for additional student accommodation which is adaptable to allow for potential re-use is acceptable.
- **Older people’s needs-** plan is consistent with national policy in planning for a mix of housing based on current and future demographic needs.
- **Accessible and adaptable dwellings-** modifications to requirements for optional building regulations relating to accessibility and adaptability of homes based on representations to examination and further evidence presented. Modifications adjusted the proportion of homes that are required to meet the various levels set out in the building regulations.

[Issue 7 – Whether the Plan makes adequate provision to meet the needs of gypsies and travellers and travelling showpeople](#)

13. Concludes that future need can be met within the existing council owned site at Bowesfield Lane, but the policy should be reworded to refer to the site by name to ensure it remains available. Subject to this modification, the plan adequately provides for the needs of gypsies, travellers and travelling show people. The Plan also includes criteria to be applied where need cannot be met at the Bowesfield site. This was considered acceptable subject to modifications.

[Issue 8 – Whether the strategy for job growth and employment, and the allocations and policies concerning employment sites and the rural economy are positively prepared, justified, effective and consistent with national planning policy](#)

14. Concluded that subject to modifications that the strategy for job growth and employment, and the allocations and policies concerning employment sites and the rural economy are positively

prepared, justified, effective and consistent with national planning policy. The plan was backed by a robust evidence base which set out the general employment land needs, the specialist (process industries / port) employment land needs and airport related uses justifying the needs set out in the Local Plan. The plan set out a supply of land for general and specialist employment that exceeds the identified need, which was considered to be justified.

15. The Local Plan approach to economic growth at Durham Tees Valley Airport was also considered to be consistent with the planning permissions for employment growth to the south of the airport, as well as ensuring the airport is recognised as an important economic driver.
16. The Inspector also supported policy relating to the protection of employment sites from other uses, but made modifications to explain the circumstances where proportionate evidence submitted with a planning application for alternative uses could be supported. Policies related to the rural economy were also considered to be appropriate in principle, subject to modifications which widened the scope of the policy beyond farm diversification to include sustainable growth of rural businesses including rural leisure and tourism.

#### [Issue 9 – The effect of the Plan’s policies and allocations on the Teesmouth and Cleveland Coast SPA and Ramsar Site](#)

17. The Council updated the Habitats Regulation Assessment (HRA) to take account of changing case law and a consultation on a potential extension to the SPA (referred to as pSPA) which includes extensions of this important designation along the river corridor, at Portrack Marsh and in the North Tees / Seal Sands area. The HRA demonstrates that housing allocations in the plan will not directly affect the SPA/pSPA and it is also unlikely that there will be recreational disturbance from visitors from these developments. However the pSPA extension require modifications to the policies map to ensure the Tees Marshalling Yard site cannot have a potential impact on the pSPA.
18. RSPB raised concerns regarding employment site allocations in the Seal Sands and North Tees area, which require strategic mitigation to be put in place. Due to uncertainty surrounding the delivery of strategic mitigation the Local Plan was modified to include commitments from the Council to take appropriate action should strategic mitigation not be forthcoming.

#### [Issue 10 – Whether the Plan makes adequate provision to ensure that infrastructure and community facilities will meet the day-to-day needs of local communities](#)

19. Subject to modification the Plan makes adequate provision to ensure that new and existing infrastructure will meet day-to-day needs of local communities. The Inspector noted that subject to identified mitigation, modifications and other policies in the Plan, the site allocations are acceptable to stakeholders including the Environment Agency, Highways England and Council’s Highways Officers. Modifications to SD7 (Infrastructure Delivery and Viability) ensure that required supporting infrastructure will be provided as part of developments and provides for flexibility around those requirements subject to viability assessment and verification.
20. The Inspector agreed with the findings of highway modelling, and transport statements or assessments, that subject to necessary highway improvements, the local plan allocations will not have a significant adverse impact on the safe and efficient operation of the Borough’s highway network. Modification to T11 (Transport Infrastructure) updates the list of highway improvements needed (including the Portrack Relief Road and the New Tees Crossing which are not required to deliver the Plan) and ensures that it promotes the efficient delivery of goods and services. In respect of Policy T11 - where it relates to pedestrian and cycle routes, the Inspector confirmed that:
  - Safeguarding of the route between Ingleby Barwick and Egglecliffe Village is justified subject to clarification that the bridge over the Tees is for pedestrians and cyclists only.
  - Safeguarding of the route and link over the River Tees in Yarm should be removed as there is no publicly accessible crossing point and is not therefore deliverable.

- Safeguarding of the route between the River Tees/Surtees Bridge and Victoria Bridge on the western bank of the Tees in Stockton should be removed as delivery relies on the now removed Boathouse Lane housing allocation.
- Reference to Wynyard Woodland Park as a bridleway is deleted.
- The safeguarding of the route to the north of Mill Lane at Long Newton is justified, but the suggested additional route along Newton Lane is unfeasible and cost prohibitive and therefore inclusion in the Plan is not justified.

21. Subject to modification, policy TI2 (Community Facilities) guards against the unnecessary loss of valued services and facilities particularly where it would reduce the community's ability to meet its needs, and is positively worded and provides the necessary flexibility, by allowing re-use of buildings, the listing of Assets of Community Value as a planning consideration expand the scope to consider all existing sports and recreational buildings and land.
22. As modified, Policy SD6 (Transport and Infrastructure Strategy) supports community infrastructure and facilities where they are required. EG6 (Small-scale facilities) in reference to small scale facilities is modified to remove criteria referring to the scale of development and make a more general reference to strategic housing and general employment development.
23. The Inspector agreed that the requirement to demonstrate that proposals contribute towards and are compatible with fibre and internet connectivity in policy TI3 (Communications Infrastructure) is justified, but not so the need for a Connectivity Statement, which is deleted.

[Issue 11 – Whether the strategy for retailing and main town centre uses is justified, effective and consistent with national policy](#)

24. The hierarchy of town centres set out in the Local Plan is considered to be justified. The Council's cautious strategy for dealing with retail needs beyond 2021 and site allocations within the Local Plan were also considered sound, but may subject to future evidence require an early review of the plan. Policies for the management of different uses in all town centres were considered sound, subject to modifications. Proposed policy related to restricting hot-food takeaways were removed from the Local Plan due to there being no identified link between obesity and proximity of hot-food takeaways to schools.

[Issue 12 – Whether the approach to green infrastructure and open space and recreation is justified and consistent with national policy](#)

25. Subject to modification the approach to green infrastructure and open space and recreation is justified and consistent with national policy. A number of modifications are made which do not fundamentally effect the thrust of the related policies. It is noted that a criteria based policy has been included within policy ENV6 for which proposals in the green wedge would be considered.

[Issue 13 – Whether the Plan provides sufficient measures to protect, preserve and enhance the natural, built and historic environments](#)

26. Subject to modification it is concluded that the Plan provides an adequate policies to preserve and enhance the natural, built and historic environment. The nature of modifications does not fundamentally amend the thrust of the related policies.

[Issue 14 – Whether the Plan supports the transition to a low carbon future and includes appropriate policies to address climate change](#)

27. Subject to modification the Plan supports the transition to a low carbon future and includes appropriate policies to address climate change. The nature of modifications does not fundamentally amend the thrust of the related policies.