



Report to Middlesbrough Council

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an Inspector appointed by the Secretary of State
for Communities and Local Government

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PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 20

**REPORT ON THE EXAMINATION INTO THE
MIDDLESBROUGH LOCAL DEVELOPMENT FRAMEWORK
REGENERATION DEVELOPMENT PLAN DOCUMENT**

Document submitted for examination on 31 January 2008

Examination hearings held on 25 & 26 November 2008

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1 Introduction and Overall Conclusion

- 1.1 Under the terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004, the purpose of the independent examination of a development plan document (DPD) is to determine:
 - (a) whether it satisfies the requirements of s19 and s24(1) of the 2004 Act, the regulations under s17(7), and any regulations under s36 relating to the preparation of the document; and
 - (b) whether it is sound.
- 1.2 This report contains my assessment of the Middlesbrough Regeneration Development Plan Document (RDPD) in terms of the above matters, along with my recommendations and the reasons for them, as required by s20(7) of the 2004 Act.
- 1.3 This report makes reference to the Council's 'Pre-Examination Changes' of August 2008 (Doc.LO76), which were formally advertised for 6 weeks from 22 August. These are referred to as PEC1, PEC2 etc. The Council produced 4 other documents containing proposed changes to which I shall refer. These are 'Further Minor Changes' (Doc.LO77), referred to as FMC1, FMC2 etc., 'Further Proposed Changes' (Doc.LO79), referred to as FPC1, FPC2 etc., 'Minor Grammatical/Update Changes', referred to as MG/UC1, MG/UC2 etc. (Doc.LO74) and 'Further Proposed Changes LO83' (Doc.LO83), referred to as LO83/1, LO83/2 etc. These 4 documents were publicised but not formally advertised in the manner of Doc.LO76. Although the large number of changes is somewhat inconsistent with the concept of 'front loading', the vast majority are factual updates or grammatical changes of the type envisaged in para.9 of my covering letter.
- 1.4 In order to keep this report as concise and readable as possible, I shall refer only to the reference number of any of the above proposed changes. The full text of those of the Council's proposed changes which I endorse, whether they are required to make the RDPD sound or simply to improve its clarity or accuracy, is set out fully in Annex 1 to this report.
- 1.5 My role is to consider the soundness of the submitted RDPD against each of the tests of soundness set out in Planning Policy Statement PPS12. When the DPD was submitted, PPS12 (2004): *Local Development Frameworks* was in force, but in June 2008, it was replaced by PPS12 (2008): *Local Spatial Planning*. Although the tests of soundness are now presented in a different and simpler way, they cover the same matters as before. The revised PPS12 requires that to be sound, a DPD should be justified, effective and consistent with national policy, along with a continuing requirement for the DPD to satisfy the legal/procedural requirements and be in conformity with regional planning policy. Justified means that a DPD should be founded on a robust and credible evidence base, and the most appropriate strategy when considered against the reasonable

alternatives. Effective means that the submitted DPD should be deliverable, flexible and able to be monitored.

- 1.6 The Government intends that spatial planning objectives for local areas, as set out in the LDF, should be aligned not only with national and regional plans, but also with shared local priorities set out in Sustainable Community Strategies where these are consistent with national and regional policy. National policy emphasises the importance of spatial planning, requires local planning authorities to produce a Statement of Community Involvement and follow its approach, and to undertake proportionate sustainability appraisal. PPS12 (2008) also confirms that the rigour of the examination process remains unchanged and inspectors will be looking for the same quality of evidence and content as before. Consequently, the publication of the new PPS12 does not materially affect the procedure or matters to be examined in terms of this DPD.
- 1.7 In line with national policy, the starting point for the examination is the assumption that the Council has submitted what it considers to be a sound plan. The changes I have specified in the main body of this binding report are made only where there is a clear need to amend the document in the light of the legal requirements and/or the soundness tests. None of these changes should materially alter the substance of the overall plan and its policies, or undermine the sustainability appraisal and participatory processes already undertaken.
- 1.8 My report firstly considers the legal requirements and then deals with the relevant matters and issues considered during the examination in terms of testing justification, effectiveness and consistency with national policy. My overall conclusion is that the RDPD is sound, provided it is changed in the ways specified. The report and its annex sets out all the detailed changes required, including those suggested by the Council, to ensure that the plan meets all the tests of soundness.

2 Legal Requirements

- 2.1 The RDPD is contained within the Council's Local Development Scheme, the updated version being approved in March 2007 (Doc.LO2). There, it is shown as having a submission date of January 2008.
- 2.2 The Council's Statement of Community Involvement (SCI) has been found sound by the Secretary of State and was formally adopted by the Council in December 2005 (Doc.LO36). It is evident from the documents submitted by the Council, including the Regulation 28 and 31 Statements and its Self Assessment Statement (Doc.LO69), that the Council has met the requirements as set out in the Regulations.

- 2.3 Alongside the preparation of the RDPD it is evident that the Council has carried out a parallel process of sustainability appraisal.
- 2.4 In accordance with the Habitats Directive, I am satisfied that an Appropriate Assessment was undertaken both at the Core Strategy DPD stage and again for the RDPD and that there would be no significant harm to the conservation of the Teesmouth and Cleveland Coast SPA/Ramsar Site and the North York Moors SPA/SAC as a result of the policies and proposals within this DPD.
- 2.5 I have found no evidence that the RDPD is inconsistent with national planning policy in a way that is incapable of being addressed, a view shared by the Government Office for the North East. Natural England has pointed to inconsistencies with PPS9 in terms of the RDPD's approach to biodiversity. However, these matters are capable of being resolved and a number of proposed changes are put forward which I am satisfied have been properly appraised and publicised and which make the DPD sound. These are dealt with later in this report.
- 2.6 The RDPD was prepared alongside the emerging Regional Spatial Strategy (RSS) and submitted prior to the publication of the approved version in July 2008. Although the North East Assembly has indicated that the DPD is in general conformity with the approved RSS of July 2008, the Council has proposed a number of factual updates in Doc.LO74 which improve the readability between the 2 documents. Such changes will improve the clarity of the RDPD and are welcome. I shall refer in more detail to change no.13, relating to housing numbers, in section 5 below.
- 2.7 I am satisfied that the RDPD has had proper regard to, and makes appropriate reference to, the Council's Community Strategy of 2005 (Doc.LO11); there has been no representation to the contrary.
- 2.8 I am satisfied that the RDPD meets the requirements of the Act and the 2004 Regulations, save for 1 matter. The Regulations require the RDPD to indicate which saved Local Plan policies would be superseded by the adoption of the DPD. The Council proposes to address this by way of FMC2, which would add an appendix to the RDPD containing a table showing the required information. I am satisfied that this omission from the RDPD can be readily rectified without diminishing its legitimacy and I shall require the change.
- 2.9 Accordingly, subject to the following change, I am satisfied that the legal requirements have all been satisfied.
- 2.10 ***The following change is required to make the DPD sound:***
i. Add a further Appendix to the DPD in accordance with FMC2

3 Justified; Effective and Consistent with National Policy Tests

- 3.1 There is no doubt that the RDPD is a spatial plan, informed by a wide range of source documents used to provide the evidence base; the Council's Self Assessment Statement (Doc.LO69) identifies much of this background. I am aware of no significant inconsistency between the RDPD and other relevant plans and strategies produced by the Council, or with the programmes of utilities and agencies providing services in the area.
- 3.2 The RDPD plan period to 2023 is consistent with those of both the Core Strategy DPD and the RSS. This conformity makes far more sense than extending it to 2024 simply to provide for 15 years from the likely date of adoption.
- 3.3 In broad terms, I am satisfied that the RDPD is both consistent with, and adds important detail to, the adopted Core Strategy DPD. The Council now recognises that Policies REG35, REG36, REG37, REG39 and REG40 add nothing to Core Strategy Policy CS17: *Transport Strategy* and are unnecessary. I agree and support PEC29 – PEC33 inclusive, which would delete these policies and their reasoned justification.
- 3.4 The RDPD has been prepared in the context of a range of background studies covering the Region, and more specifically the Tees Valley Sub-Region, which form part of the evidence base. Widespread consultation has taken place with other neighbouring authorities and there has been close co-operation, notably with Stockton with regard to the Stockton/Middlesbrough Initiative and the Green Blue Heart. I have found no evidence of significant inconsistency with other nearby authorities. The issue of connectivity with the adjoining District of Redcar & Cleveland is dealt with in section 6 of this report.
- 3.5 The RDPD must be consistent with the Core Strategy. This necessarily limits the range of options available in what is essentially a site allocation DPD as the strategic employment, housing and retail locations have already been determined. I shall deal in more detail with housing and the Town Centre below.
- 3.6 The RDPD has been derived from a comprehensive evidence base and appears to me to add appropriate flesh to the bones of the Core Strategy in a sustainable manner.
- 3.7 The Core Strategy DPD sets out an implementation framework clarifying how the strategy will be implemented, and by whom; the RDPD adds detail to this for the relevant policy areas which it covers. Appropriate reference is made to future Supplementary Planning Documents which will be necessary for the positive planning and implementation of the strategic development sites.

- 3.8 Similarly, the Core Strategy DPD sets out a monitoring framework, which is refined in the RDPD for the relevant areas. The Annual Monitoring Report, which forms part of the Local Development Framework, will be a key component in monitoring the effectiveness of the RDPD. Taking the RDPD together with the Core Strategy, the monitoring framework is sound.
- 3.9 When read alongside the Core Strategy DPD, the RDPD provides a suitably flexible policy framework, able to respond to changing circumstances. The RDPD's policies are worded so as to make their intentions clear and they include a sufficient degree of flexibility where appropriate to so do. In any event, flexibility is inherent in the system of development control which gives primacy to the development plan but provides for other material considerations to be taken into account.
- 3.10 The allocations of employment and housing land must be guided by the RSS but there is ample scope in the monitoring process for sites to be brought forward, where necessary, in response to the findings of the Annual Monitoring Report. I shall deal below with the RDPD's flexibility in dealing with the housing requirement.
- 3.11 In conclusion, I am satisfied that, subject to the following change, the RDPD is justified, effective and consistent with national policy. I go on to address individual issues below, where further changes are required to ensure the soundness of the RDPD.
- 3.12 ***The following change is required to make the DPD sound:
i. Change the DPD in accordance with PEC29-PEC33 inclusive.***

4 *Issue 1 – Whether the RDPD will result in a balanced housing market*

- 4.1 **The RSS numerical requirement.** The RDPD was prepared alongside the emerging RSS. At the time of submission of the RDPD, the Secretary of State's Proposed Changes to the RSS (Doc.RE2) included a housing requirement of 7,365 net additional dwellings for Middlesbrough between 2004-2023. The approved RSS of July 2008 (Doc.RE4) increased this to 7,825. The Council's evidence demonstrates a net supply of 8,215 dwellings over the plan period, sufficient to meet the 2008 RSS requirement, with a small surplus of around 5%. Although the sources of supply are set out in the Council's Housing Topic Paper, they are not included in the RDPD. It would add considerable clarity to the RDPD for this information to be included and I support the Council's proposed change LO83/1 which would do this in the form of a table.
- 4.2 In accordance with the advice of PPS3: *Housing*, the Council has made no allowance for windfalls. However, I note that this source has already contributed an annual average provision of 268 dwellings in the early part of the plan period between 2004-08.

The Council concedes that this rate of provision is expected to diminish, as many potential sites have now been identified in urban capacity studies. Nevertheless, past windfalls have, and future windfalls still appear likely to, provide significant additional flexibility over and above the planned housing provision. Accordingly, the Council's proposed change MG/UC13 to import the latest RSS housing requirement into the RDPD appears justifiable. In my view, the change is not so significant as to take the RDPD out of conformity with the Core Strategy. Importantly, because of the flexibility outlined above, it would not require additional housing allocations to be made. Should there be a future shortfall, which would be identified by the monitoring process, the DPD should be reviewed at that time.

- 4.3 In putting forward the above figures, the Council has reassessed its housing sites and removed those whose delivery is doubtful. It has generally adopted a conservative approach to the capacity of other housing sites which make up the housing supply. This gives me some confidence as to the robustness of the Council's figures. It is suggested that the Odeon/CSI and Kwik Save sites have been inappropriately included because the development would comprise student flats. However, there is no evidence that occupation would be solely limited to students in a manner that would make the developments fall into Class C2.
- 4.4 Both the RSS and Core Strategy Policy CS9 seek to accommodate a minimum of 70% of new housing on previously developed land (PDL). It is envisaged that, of the total completions, 85% will be on PDL and the PDL trajectory indicates that the 70% target will be comfortably exceeded in all 3 phases of the plan period.
- 4.5 The Tees Valley has expressed an interest in achieving New Growth Point status. Although the initial intention was to deliver additional dwellings, the latest Programme of Development is now based on accelerating the delivery of a number of prioritised sites to help meet the RSS housing allocations in the present market downturn. The prioritised sites in Middlesbrough are all either RDPD allocations and/or extant planning permissions and, therefore, even if the latest funding bid is successful (it was undecided at the time of writing this report), there would be no requirement for additional allocations at this stage. Any such requirement that may arise in the latter part of the plan period should be addressed by reviewing the RDPD.
- 4.6 **Deliverability.** The Council has assessed the non-strategic housing sites for their deliverability and developability by way of the Strategic Housing Land Availability Assessment (Doc.LO26). This demonstrates a 5 year supply of deliverable sites. The deliverability of a number of sites has been questioned, particularly in the severe downturn in the market current at the time of the examination. However, the key question appears to be whether the sites will be deliverable in a sustainable manner when the market picks up. In

general terms, the RDPD meets this requirement. In the meantime, the Government initiatives to stimulate housing appear to be being matched energetically by the Council, acting both individually and in conjunction with its neighbouring authorities and relevant housing bodies, such as developers and registered social landlords.

- 4.7 The strategy has been criticised as having too many sites in public, or more specifically Council, ownership. However, the Council owned sites only appear to make up around 25% of the output from housing allocations in the first phase of the plan period. The fact that a number of the key housing sites are in public ownership appears to be no barrier to their development. It appears quite feasible that this could actually help their deliverability by dint of greater flexibility on land prices and/or the ability to fund advanced infrastructure.
- 4.8 The RDPD assumes rates of delivery which have been assessed on a site by site basis. This appears preferable to adopting regional average rates, particularly where flatted development is concerned, where delivery is achieved in blocks which vary according to the scale of each development. Leaving aside the current market downturn, I have no compelling evidence that the projected delivery is unduly optimistic.

The strategic sites

- 4.9 I now turn to the output on the 3 strategic sites identified in the Core Strategy DPD. *Greater Middlehaven* is a mixed use site and already the new £68m Middlesbrough College is complete, the first of 5 speculative dockside office buildings is built and works to improve the public domain and its linkage to the Town Centre are well advanced. The first block of 80 apartments with ground floor retail, leisure and food and drink uses is programmed to commence in January 2009, around a year behind the original schedule. Detailed planning permission exists for a second block. It appears that over 50% of the first block is essentially pre-sold through exchanges to date and English Partnership's First Time Buyer Initiative. Whether apartments will continue to be built in later phases and whether any change of dwelling types will affect the numerical output is a matter for the monitoring process.
- 4.10 *Greater Hemlington*. The Erimus development is going ahead within the Hemlington Estate and one of the redevelopment sites is shortly to be released. The Hemlington Grange mixed use urban extension, is being actively progressed by the Council; a development framework and a planning application are being prepared and potential partnership and delivery arrangements are being identified. The possible additional funding, referred to in para.4.5 above, should help bring forward the development. The site is Council owned and I see no reason to believe its output of dwellings will be unduly delayed; any delays due to the current

economic downturn will apply equally to alternative private sites put forward for consideration.

- 4.11 In *Inner Middlesbrough and Grove Hill*, the programme of refurbishment, along with selective demolition and redevelopment appears to be progressing in line with expectations as set out in Policy REG18. Therefore, it is my view that Policy REG18 appears sound in relation to the 3 strategic sites.

The non-strategic sites

- 4.12 Representations have cast doubt on both the projected output from, and the suitability of, a number of non-strategic sites. However, in general terms I find the range of locations and the variety of sites to be compliant with the aims of the Core Strategy. The sites have been chosen with regard to the Urban Capacity Study, which was in turn superseded by the Strategic Housing Land Availability Assessment (Doc.LO26) and the Green Space, Public Place Open Space Strategy (Doc.LO4). They have also been assessed against the approach of PPS25 and have been the subject of sustainability appraisal. The deliverability has been recently reassessed by the Council and I have no significant concerns on that score. I comment below on some of the more contentious sites.
- 4.13 *Sites at MTLIC, Prissick and Swedish Mission Field.* All 3 sites are in, or abut, green wedges. However, the area around the MTLIC was reconsidered through the last review of the Tees Valley Structure Plan, and was consequently removed from the list of green wedges. This area does not perform the role of a green wedge as defined in the RSS. The Prissick site forms part of a green wedge but is occupied by a Council depot, is well screened and its development would not unduly intrude into the green wedge. The Swedish Mission Field is a small site, well-contained by development and the small scale rationalisation of the green wedge boundary to accommodate development would not seriously harm the integrity of the green wedge. I am satisfied from the evidence of the Green Space, Public Place Open Space Strategy that the areas in question will retain adequate open space and that any necessary replacement playing field provision will be made as part of the development of Prissick, and other appropriate and accessible locations.
- 4.14 *Site 44 Longridge.* This site formed part of the original planned development of Coulby Newham. Its development was put on hold pending the removal of the major overhead electricity line which crossed the site. To improve its appearance in the meantime, some tree planting was carried out and, over the years, vegetation has regenerated naturally. Whilst I can understand the desire of local residents to retain the openness of this site, it forms an important component of the range and mix of sites envisaged by the Core Strategy. Even with this greenfield site, the Council envisages achieving some 85% of housing development on previously

developed land, well above the 70% RSS target. The evidence of the Green Space, Public Place Open Space Strategy demonstrates that this part of Middlesbrough is well served by public open space. It is evident that the Coulby Newham development contains substantial planned areas of open space and this site abuts the major linear open space of Marton West Beck. It is also close to open countryside.

- 4.15 To my mind, the landscape and ecological merits of this site are of insufficient quality to override the need for a high quality housing site such as this. Most of the trees are self-seeded and of little merit. However, the retention of any important trees and of a suitable buffer zone with Marton West Beck are detailed matters which can be resolved at planning application stage or by way of a development brief. The site appears readily deliverable; any concerns about flooding should be able to be resolved by the use of a suitably designed sustainable drainage system.
- 4.16 **The Housing Mix.** When the character and range of locations of the strategic and non-strategic sites are taken into account, I find the proposed housing mix compliant with the aims of the Core Strategy. It should meet the needs of the community as a whole, across the range from affordable housing to executive housing. The allocations will facilitate choice in the market and enable a suitable mix of dwelling types to be delivered. Having concluded that there is no need for additional housing allocations to meet a quantitative shortfall, I reach a similar conclusion in qualitative terms.
- 4.17 **Affordable Housing.** The preparation of the RDPD pre-dated the emergence of PPS3. The evidence base for the affordable housing requirement is largely founded on the Local Housing Assessment (Doc.LO6) and the Housing Regeneration Strategy (Doc.LO13).
- 4.18 The RSS does not contain an affordable housing figure for the housing market area and the Strategic Housing Market Assessment for the Tees Valley is not yet published. Therefore, in the RDPD, the affordable housing requirement is broadly area based, recognising the different characteristics of the components of the District housing market.
- 4.19 The Council has reassessed the evidence base in the light of the emergence of PPS3 and other guidance in order to ensure its robustness and has commissioned an independent appraisal thereof (Doc.LO56). I am satisfied with the conclusion of this appraisal that the Local Housing Assessment has a high degree of conformity to the Strategic Housing Market Area Guidance. The evidence base is therefore as up-to-date as circumstances allow and I support the Council's proposed PEC21, which would add important explanatory text to the reasoned justification for Policy REG18.
- 4.20 Policy REG18 indicates the proportion of affordable housing to be required on each site. In many cases, this is a reflection of the

figure already established in the Core Strategy DPD or in a planning permission already granted. However, in order to ensure that the affordable housing requirements on the allocated sites are set at a level which is economically viable, the Council has reviewed the evidence. In a number of cases, the figure is a reflection of a developer's actual tender bid, which must presumably be assumed to be considered viable. Additionally, the Council has commissioned a study of the Economic Viability of Affordable Housing Requirements in Middlesbrough (Doc.LO72). This tested the viability of a number of 'beacon' sites in various sectors of the housing market. It concluded that, in the market conditions prevailing at the time of submission of the RDPD, the affordable housing requirements would be viable in most parts of Middlesbrough. On publicly owned sites, the affordable housing requirement would influence the price developers would be willing to pay and should therefore not harm the viability of the site.

- 4.21 The footnote to policy REG18 states that the affordable housing provision will be seen as a minimum. However, the Council now proposes to delete this by way of proposed change LO83/2 in order to achieve greater flexibility, reflecting the intention to negotiate on a site by site basis, and having regard to viability in the present economic climate. I am satisfied that the affordable housing requirement is properly justified and that, on this matter, the RDPD is sound.
- 4.22 **Gypsy and Travelling Show People.** Although, the Core Strategy indicates that the RDPD will safeguard the 2 existing sites at Metz Bridge and North Ormesby, there is no such reference in the document. The Council now accepts the need for a safeguarding policy and this, together with the reasoned justification, form proposed change LO83/3. I am content that this proposed policy renders the RDPD consistent with the Core Strategy and that its inclusion raises no new issue of consultation or sustainability that need to be addressed. For completeness, I shall also require the identification of the sites on the Proposals Map.
- 4.23 **Alternative Sites.** Eight alternative sites were put forward by representors as being preferable to, or required as additional to, the allocated sites. All were advertised by the Council for 6 weeks, as required by the Regulations, and some, if not all, have been the subject of sustainability appraisal. The larger sites were considered at the Core Strategy examination as possible sustainable urban extensions and were rejected for that purpose at that stage. I have seen no evidence which would convince me that any of these sites should now be allocated in preference to the allocated sites. The allocation of an additional large greenfield site at, or near, the southern fringe of the urban area at this stage does not appear compatible with Middlesbrough's regeneration strategy. I am content that there is, in section 7 of the Core Strategy DPD, a satisfactory mechanism to monitor and manage the housing

delivery. Therefore, should a shortfall become apparent, it can be properly addressed.

- 4.24 My conclusion on the housing issue is that the RDPD meets the relevant soundness tests. It sets out the most appropriate policies to help implement the Core Strategy in a manner which is coherent, consistent and should be effective in providing housing for the community as a whole. There is adequate flexibility built into the RDPD and clear mechanisms for implementing and monitoring the housing provision in order to take action where necessary.
- 4.25 ***The following changes are required to make the DPD sound:***
i. Change the DPD in accordance with LO83/1, LO83/2 and LO83/3 and identify the Gypsy and Travelling Show People sites on the Proposals map;
ii. Change the DPD in accordance with MG/UC13;
iii. Change the DPD in accordance with PEC21;

5 Issue 2 –Whether the RDPD provides for the connectivity of Middlesbrough

- 5.1 The Core Strategy DPD seeks to deliver a sustainable transport network and the East Middlesbrough Transport Corridor (EMTC) is seen as having the potential to contribute to increased connectivity and accessibility. Policy CS17 envisages giving priority to a balanced package of highway and public transport improvements
- 5.2 RDPD Policy REG33 protects the line of the EMTC and REG34 protects the line of the East Middlesbrough Gateway (EMG), which would link to the EMTC, in both cases as far as the District boundary with Redcar & Cleveland. This is consistent with the Local Transport Plan (Doc.LO7), which notes 5 barriers to development of the EMTC: i. lack of support from Redcar & Cleveland (in whose District part of the route would need to run), ii. implications for the A174 trunk road, iii. implications for the Esk Valley railway line, iv. implications for National Trust Land at Ormesby Hall (through which the route would need to run) and v. limited funding opportunities.
- 5.3 Since the adoption of the Core Strategy, the strategic importance of the EMTC has been reinforced in the publication of RSS Policy 10.4.i, which protects the line of the EMTC, 'primarily for development as a public transport link'. Although it was my understanding at the time of the Core Strategy examination that the intention was not to protect a new road line, I am now informed that Marton Road is inadequate to accommodate the envisaged range of public transport, cycling and pedestrian measures and that this has given rise to the reconsideration of a new road link. This is now the subject of a study, jointly commissioned by Middlesbrough and Redcar & Cleveland Councils in July 2008, to test the strategic options for the corridor, the results of which are not yet known. I am also informed that the potential route would be single

carriageway and would now neither have a junction with the A174 nor would it conflict with the railway.

- 5.4 Middlesbrough Council has stated it will be bound by the conclusion of the feasibility study, such that it will cease to safeguard and pursue the route if the findings are negative. Redcar & Cleveland's position remains unclear should the findings be positive; the route could compromise a potential housing site in an emerging DPD and could blight properties in Rothesay Grove, through which the route would run. The funding position is not yet clear and, although the National Trust has written to indicate that it would not release inalienable land for the route, I am not aware that a formal approach has been made and therefore I am unable to conclude that this matter has been finally resolved.
- 5.5 PPS12 advises that, to avoid blight, policies regarding infrastructure should be realistic and likely to be implemented during the plan period. The timing of the feasibility study is unfortunate. However, the original 5 barriers to development have now been significantly reduced and, such is the strategic importance of the EMTC, that it would be imprudent to require the deletion of the safeguarding of the route prior to the outcome of the feasibility study. I shall, however, require a note to be added to the RDPD to reflect the Council's intention that an early review of the protected route of the EMTC (and the EMG) will take place in the event that it proves to be no longer feasible.
- 5.6 In due course, the position of Redcar & Cleveland Council will become clear and any potential discord between neighbouring DPDs will need to be resolved. However, at present, I find the RDPD to be sound on this issue, subject to the following change.
- 5.7 ***The following change is required to make the DPD sound:***
i. Add a sentence to the end of para.10.25 as follows "Should the joint study with Redcar & Cleveland Council, commenced in July 2008, indicate that either the East Middlesbrough Transport Corridor or the East Middlesbrough Gateway have no strategic benefits, the DPD will be reviewed to remove the protection of the route in question"

6 Issue 3 – Whether the RDPD will promote and maintain quality environments

- 6.1 The RDPD does not appear entirely consistent with the approach of PPS9, which seeks to maximise opportunities for building in beneficial biodiversity or geological features as part of good design. The Council now recognises this and proposes changes to strengthen the relevant policy wording and to ensure habitats are integrated with strategic green infrastructure network; I regard such changes as important to reflect the approach of PPS9. The RDPD has been the subject of Appropriate Assessment and I am

satisfied that the policies and proposals have proper regard to the important habitats both within, and near to, the plan area.

- 6.2 With the required changes, the RDPD would have, in combination with the Core Strategy, a sound and coherent policy basis for preserving and enhancing the natural environment.
- 6.3 ***The following changes are required to make the DPD sound:***
i. Change the DPD in accordance with PEC7 (with my amended wording), PEC10, PEC14 & 15 (both as updated by FMC 5 & 6) and PEC18 (as updated by FMC9); and
ii. Change the DPD in accordance with FMC3–FMC9 inclusive.

7 Issue 4 – Whether the RDPD will promote and maintain the role of the Town Centre

- 7.1 The Core Strategy DPD identified the need for the Town Centre to grow to fulfil its sub-regional role, as identified in the RSS. Based largely on the evidence of the 2006 Middlesbrough Retail Study (Doc.LO16) and the 2007 Middlesbrough Town Centre - Potential Expansion Opportunities (Doc.LO21), the RDPD identifies the extended Town Centre boundary. REG19 identifies the principal use sectors within the Town Centre and further detail is then added in Policies REG20–25. Whilst the basic approach appears sound, unfortunately this part of the RDPD and the relevant part of the Proposals Map are full of inconsistencies and lack clarity. The Council now recognises this and proposes to address this matter by way of a number of proposed changes, none of which alter the underlying strategy, which I endorse. The roles of Cannon Park and Middlehaven are now clear, and the strategy contains sufficient flexibility to deal with changes in circumstances, so long as there would be no adverse impact on the vitality and viability of the Retail Sector.
- 7.2 In line with the advice of PPS6, Policy REG20 seeks to ensure the area of primary shopping frontage contains a high proportion of retail uses. REG20 states that the proportion of non-A1 uses should not exceed 15% and concentrations of non-A1 uses in particular blocks should be avoided. The use of the term “should”, coupled with the requirement not to harm the function, character, vitality and viability of the Town Centre, gives suitable flexibility. I am content that the 15% figure, which represents an increase from the 10% figure in the Local Plan, is justified by the evidence of Docs.LO16 and LO21, by the proposed increase in retail floorspace in the west of the Town Centre and by the need to have regard to the underlying purpose of a primary shopping frontage.
- 7.3 Subject to the required changes, I am satisfied that the RDPD deals with the role of the Town Centre in a sound and coherent manner.

- 7.4 ***The following changes are required to make the DPD sound:***
- i. Change the DPD in accordance with PEC23-PEC28 inclusive;***
 - ii. Change the DPD in accordance with FPC1-FPC6 inclusive;***
 - and***
 - iii. Change the DPD in accordance with FMC1.***

8 Issue 5 – The Proposals Map

- 8.1 I find the Proposals Map unclear, as the various allocations for housing, employment etc. are not identified either by name or number. There is also some inconsistency in the use of place names. The Council has now accepted this and proposes to address the matter by way of MG/UC28. In addition, the Council has identified a number of omissions, whereby allocations identified in the text have been inadvertently omitted from the Proposals Map. These are addressed in PEC34.
- 8.2 These changes are needed to ensure the DPD is sound by way of being clear and effective.
- 8.3 ***The following changes are required to make the DPD sound:***
- i. Change the Proposals Map in accordance with PEC34***
 - ii. Identify the allocations on the Proposals Map by policy reference number as per MG/UC28.***

9 Overall Conclusion

- 9.1 I conclude that, with the amendments I recommend, the Middlesbrough Regeneration DPD satisfies the requirements of s20(5) of the 2004 Act and the associated Regulations, is sound in terms of s20(5)(b) of the 2004 Act, and meets the tests of soundness in PPS12.

B.S.Rogers
INSPECTOR

ANNEX 1

Schedule of Proposed Changes put forward by the Council.

This schedule includes the changes which I require to make the DPD sound and those which I simply endorse. These include i). Pre-Examination Changes (PEC) [Doc.LO76], ii). Minor Grammatical/Update Changes (MG/UC) [Doc.LO74], iii). Further Minor Changes (FMC) [Doc.LO77], iv). Further Proposed Changes (FPC) [Doc.LO79] and v). Further Proposed Changes LO83 [Doc.LO83].

NB: Those proposed changes which I do not endorse have been omitted from the schedule.

i). Pre Examination Changes (PEC) August 2008 [Doc.LO76]

PEC No.	Policy / Paragraph	Proposed Change
1	3.12	Amend second sentence to read The first of these areas to be developed will be the dock basin and Boho, <u>and Cargo Fleet</u> .
2	3.13	Delete the first three sentences of the paragraph: To ensure the proper development of Middlehaven, later phases will not be permitted or brought forward until certain triggers have been reached. Two sets of triggers have been identified, one for residential uses, and a second for other uses. This will ensure that development occurs in a proper, planned manner that will maximise the potential of Greater Middlehaven, and not in an ad-hoc or sporadic way.
3	3.13	Add to the end of the paragraph: <u>When considering the potential impact of development proposed in REG1 upon the highway network, in addition to the policies in this DPD it will also be necessary to comply with the provisions of policy CS18 (Demand Management) of the Middlesbrough LDF Core Strategy.</u>
4.	REG1	Amend the last phasing period in the table to read as follows 2021 -23

PEC No.	Policy / Paragraph	Proposed Change
5.	REG1	<p>Add the following text after the table.</p> <p><u>(These figures include the development identified within the Middlehaven Sector of the Town Centre policy REG22)</u></p>
6.	REG1	<p>Amend the penultimate paragraph of the policy (page 13 of the DPD) to read as follows:</p> <p>The cumulative level of <u>residential</u> development brought forward between 2004 and 2023 shall not exceed the requirements contained in policy CS2 of the Core Strategy.</p>
7.	REG2	<p>Amend the first sentence of criterion j to read as follows: Where appropriate <u>practicable</u> beneficial features should be incorporated into the design of proposals. <i>[NB my amended wording]</i></p>
8.	Table 3.1	<p>Amend delivery mechanisms for areas G, H, I, and J to read</p> <p><u>Master plan and</u> planning application procedure.</p>
9.	REG4	<p>Amend second row of table to read as follows</p> <p>Employment B1/B2/B8 1.5 Ha 7.5 Ha 6 Ha</p>
10.	REG4	<p>Amend criterion g to read as follows</p> <p>Green corridors should be incorporated within the layout to facilitate the movement of wildlife and pedestrians, <u>and which contribute to the creation of habitats identified in the Tees Valley Biodiversity Action Plan.</u> These corridors should be coincidental with existing desire lines and should link the Gables public house and the existing public right of way network to the south, and should continue through to the Hemlington regeneration area creating linkages with the wider green space network and local facilities;</p>
11.	REG7	<p>Amend the opening paragraph of the policy to read as follows:</p> <p>Within the Hemlington regeneration area, as identified on the proposals map, development should seek to support the aims of regenerating Hemlington, tackling issues of housing market renewal, and the creation of a sustainable community. <u>The following developments are proposed within the area to support these regeneration activities</u></p> <p style="text-align: center;"><u>2004-11 2011-16 2016-21</u></p>

PEC No.	Policy / Paragraph	Proposed Change
		<p><u>Hemlington Estate</u> 56</p> <p><u>Land adjacent Hemlington Hall School</u> 30</p> <p>In particular <u>All</u> developments will be expected to support and assist:</p>
14.	REG13	<p>Amend first sentence of criterion g to read:</p> <p>Where appropriate beneficial biodiversity features are incorporated into the design of proposals. Use of the river frontage is maximised without affecting the hydrology of the River Tees and its floodplain and, where feasible opportunities to maintain and enhance biodiversity habitats are identified and taken.</p>
15.	REG14	<p>Amend criterion f to read:</p> <p>Use of the river frontage is maximised without affecting the hydrology of the River Tees and its floodplain and, where appropriate <u>feasible</u> opportunities to maintain and enhance biodiversity habitats are identified and taken.</p>
17.	REG17	<p>Amend second paragraph of policy REG17 to read</p> <p>Proposals should demonstrate how they will assist in the achievement and delivery of the aims and objectives of the Stockton-Middlesbrough Initiative as expressed in the Core Strategy spatial vision, objectives, and policies CS1 and CS21. <u>Development proposals include 100 residential units (see policy REG18) in the period 2021 to 2023</u></p>
18.	REG17	<p>Amend the third paragraph of policy REG17 to read</p> <p>Where appropriate <u>feasible</u> beneficial biodiversity features are incorporated into the design of proposals. This should include ensuring that development does not result in damage to the biodiversity that is dependent upon the River Tees, including the interest features of the Teesmouth and Cleveland Coast SPA. <u>Use of the river frontage should be maximised without affecting the hydrology of the River Tees and its floodplain</u></p>
19.	7.1	<p>Amend paragaraph 7.1 to read</p>

PEC No.	Policy / Paragraph	Proposed Change
		<p>This section deals with the site-specific policies for delivery of a revitalised housing market. It identifies the sites that are needed to bring forward <u>allocated</u> for residential development and to meet the housing requirements identified in the RSS. <u>This section should also be read in conjunction with more detailed site specific policies contained within other sections of this DPD including Policies dealing with site specific issues within the town centre, Greater Middlehaven and Greater Hemlington are dealt with elsewhere within this DPD.</u></p>
21.		<p>Add the following text after paragraph 7.17 [NB: text amended to omit reference to Summer 2008] <u>Affordable Housing</u></p> <p><u>The approach to affordable housing adopted in this DPD is based upon the findings of the Local Housing Assessment (LHA) completed in 2006 (amended in 2007) and the Housing Regeneration Strategy (HRS) completed in the same year. The LHA findings identified a requirement for 515 affordable housing units per annum. This is clearly above the RSS housing target of 410 dpa for the district (across the plan period) and as such undeliverable. The recommendations of the study recognised that it would be unviable to seek a 100% contribution to affordable housing on development sites and identified a suitable level of affordable housing as being between 17% and 25%. In reaching the targets included in this DPD the Council also had regard to the HRS which examined viability and sustainability issues. This identified a range of affordable housing targets for different areas of the town. Using the evidence available the Council has set a target of 10% of new housing should be affordable in those areas where there is already a significant level of social housing provision i.e. East Middlesbrough, Hemlington. This will have the effect of new developments maximising their contribution to the diversification of the housing stock, one of the key elements of the housing strategy contained in policy CS9 of the Core Strategy. In other locations the figure has been set at 15% in order to ensure a higher level of affordable provision without compromising the viability of schemes. The figures for Greater Hemlington and Greater Middlehaven reflect those contained in the CSDPD.</u></p> <p><u>Where a different figure is included in policy REG18 this is either because negotiations are well advanced on disposal of the site/bringing it forward for development and the figure reflects that negotiated for affordable housing, or it is</u></p>

PEC No.	Policy / Paragraph	Proposed Change
		<p><u>considered that asking for an element of affordable housing would make the scheme unviable (e.g. Church House which is the refurbishment of a 1970s redundant office block in the town centre).</u></p> <p><u>In arriving at any figure for affordable housing provision it has also been necessary to consider how it fits with the overall spatial strategy contained in the Core Strategy which is to arrest the decline of population and to provide housing that meets the needs of the economically active.</u></p> <p><u>A joint Tees Valley Strategic Housing Market Assessment has been commissioned, as advocated in PPS3. Early indications from this work are that the gross affordable housing requirement will be lower than that identified in the LHA but still higher than the RSS annual housing target. Net affordable housing requirements whilst lower still represent a significant proportion of the RSS annual housing target, and on the basis of information available still likely to make housing schemes unviable. Further work is required on the SHMA to refine its findings and to identify recommendations. Owing to conflicting timescales it has not been possible to include reference to this document in this DPD.</u></p> <p><u>No details have been provided on potential tenure mix for the schemes identified within this DPD. The mix of any particular scheme will be negotiated with developers having regard to an up to date SHMA and particular site/scheme circumstances.</u></p> <p><u>The site threshold adopted by the Council in seeking affordable housing on unallocated schemes is proposals for 15 units or more. This reflects national policy as set out in PPS3. As this is set out in national policy it has not been felt necessary to reflect this in the DPD.</u></p>
23	REG19	<p>Amend the Retail sector to read</p> <p>Primary retail area (A1, A2, A3), including an opportunity for a new <u>convenience</u> superstore, contains the primary shopping frontage.</p>
24	8.10	<p>Delete the last sentence of paragraph 8.10</p> <p>This expanded sector includes the eastern part of Cannon Park which will accommodate some of the additional identified retail capacity.</p>

PEC No.	Policy / Paragraph	Proposed Change
		<p>Add a new paragraph after paragraph 8.10 to read</p> <p><u>A key finding of the Middlesbrough Retail Study is that the current town centre boundary is too constrained and therefore the expansion of the primary retail area into Cannon Park to accommodate additional retail floorspace is necessary. Further work into the potential expansion of the town centre confirmed this and showed that other areas in the town centre, including Middlehaven and the Central Sector are more appropriate for other main town centre uses such as offices and leisure. An area of Cannon Park, to the east of Marsh Street, is considered most appropriate for this expansion as it adjoins the retail sector of the town centre. Existing retailing already occurs and the site is located close to the bus station. This is also In keeping with the sequential approach in Planning Policy Statement (PPS) 6.This area currently comprises of a Royal Mail sorting office, car parking and retail units. Cannon Park has been identified as a location for additional convenience retailing in accordance with the findings of the Middlesbrough Retail Study.</u></p>
25	8.12	<p>Replace paragraph 8.12 with the following</p> <p><u>For the purposes of this DPD the Cannon Park sector comprises that part of Cannon Park not included in the Primary Retail Area. It is broadly the area to the west of Marsh Street/Bulmer Way and bounded by the A66 to the North and Newport Road to the South.</u></p>
26	8.14	<p>Amend paragraph 8.14 to read as follows:</p> <p>A need in quantitative and qualitative terms for retail development has been established within the MRS. Appropriate uses at <u>within the Cannon Park sector will include convenience and comparison retailing. It is important that these uses are complementary to Those that provided offered in the retail sector of the town centre. This is most likely to be in the form of retail warehousing.</u></p>
27	REG21	<p>Amend the last paragraph of policy REG21 to read</p> <p>A Cannon Park master plan will be required to identify the precise boundary of each of the Cannon Park sectors and how the above criteria will be incorporated into the development proposals. The master plan will need to be approved by the Council before planning permission is</p>

PEC No.	Policy / Paragraph	Proposed Change
		granted for any constituent part of the development area.
28	REG22	<p>Amend criterion a (ii) of policy REG22 to read:</p> <p>a Retail</p> <p>ii A2 uses, up to a maximum of 400 sq.m. (gross) total floorspace <u>in any one unit</u>, and A3, and A4 uses up to a maximum of 500 sq.m. (gross) total floorspace <u>in any one unit</u> will be permitted at ground floor level provided that proposals complement and enhance the retail and leisure offer of the town centre and are complementary to the cultural and retail sectors of the town centre. Such uses will not generally be allowed above ground floor level unless they are ancillary elements of a larger development;</p>
29	10.25 and REG35	Delete paragraph 10.25 and policy REG35
30	10.26 and REG36	Delete paragraph 10.26 and policy REG36
31	10.27 – 10.30 and REG37	Delete paragraphs 10.27 to 10.30 and policy REG37
32	10.32 and REG39	Delete paragraph 10.32 and policy REG39
33	10.33 – 10.34 and REG40	Delete paragraphs 10.33, 10.34 and policy REG40
34	Proposals Map / REG18	<p>The following sites identified in policy REG18 of the RDPD do not appear on the proposals map. This change will identify them on the map. They are not new allocations.</p> <p>i. land adjacent Hemlington Hall School ii. St Paul's iii. Station Street; and iv. Netherfields.</p>
35	Proposals Map / REG41	<p>Policy REG41 protects the Super Core and Core bus routes. These have not been shown on the proposals map. This change will identify the routes on the map.</p>

ii). Minor Grammatical/Update Changes (MG/UC) [Doc.LO74]

MG/UC No.	Policy/ Paragraph	Proposed Change
1.		All references to 'report' changed to 'DPD'
2.	2.4	Amend paragraph 2.4: For the purposes of conformity issues this report has been prepared in accordance with the RSS proposed modifications <u>changes</u> .
3.		Amend RDPD to reflect the most recent position of RSS (policy 29 has been incorporated into policy 30)
4.	2.5	Amend sentence: Policy 5 <u>6</u> introduces the concept of the Tees Valley city region, which is developed further in policy 7 <u>10</u> .
5.	2.6	Amend sentence: Policy 30 <u>29</u> identifies the number of dwellings that are to be provided...
6.	2.6 and elsewhere	The proposed changes RSS policy 13 refers to Brownfield mixed use <u>locations</u> Amend paragraph 2.6 to read: Middlehaven is identified as a regional brownfield mixed use development <u>location</u> (policy 13).
7.	3.4	Amend paragraph 3.4 to read: Policy 7-10 , Tees Valley city region, identifies the regeneration...an important part of these regeneration activities (paragraph 2.108 <u>2.155</u> of RSS) and are integral in delivering the aspirations for a prosperous Tees Valley city region.
8.	4.4	Amend bullet points: Creating a sustainable urban extension (policy 3 <u>4</u>); Delivering mixed use development that will contribute

		to economic prosperity (para. 3.11 <u>3.12</u>); Helping to stem population decline and urban-rural migration (para 1.27 <u>para 1.42 and 1.43</u>)
9.	5.6	Amend sentence: The Regional Housing Strategy and the emerging <u>published</u> RSS for the north east...
10.	6.3	Policy 18 identifies a requirement for 185 ha of land for employment purposes in Middlesbrough for the period 2004 to 2021. This requirement is to be made up of 100 hectares regional brownfield mixed use allocation and 85 hectares for general employment land.
11.	6.9	The provisions of the RSS identify a need for Middlesbrough to accommodate 185 hectares of land for employment uses between 2004 and 2021. Of this, 100 hectares are identified within the RSS as the strategic mixed use brownfield site at Middlehaven, and the remaining 85 hectares as general employment land. Between 1st April 2004 and 31st March 2007, 5 hectares of land was developed, reducing the employment requirement to 80 <u>180</u> hectares.
12.	6.10	Amend sentence: In total, 80 <u>180</u> hectares of land have been identified for general employment purposes in this plan
13.	7.3	Policy 30 of the RSS identifies a net housing requirement for Middlesbrough of 5,800 <u>6,970</u> dwellings between 2004 and 2021. This is broken down into three periods: 2004-11, 2011-16, and 2016-21. The requirement for each period is 300, 370 and 370 <u>440, 485 and 300</u> dwellings per annum. Sixty percent <u>Seventy percent</u> of this requirement should be provided on previously developed land for the period to 2008, increasing to sixty five <u>seventy five</u> percent by 2016.
14.	7.4	Amend sentence: Policy 29 <u>Policy 28</u> recognises that strategies, plans and programmes...
15.	7.5	Amend sentence Policy 32 <u>Policy 30</u> advises that LDFs should set local...

16.	8.3	<p>Amend paragraph:</p> <p>The principal policy of the RSS relevant to this section of the DPD is policy 7 <u>10</u>, Tees Valley city region...Other relevant policies included: policy 25 urban and rural centres; policy 27 – out of centre retail development <u>out of centre leisure development</u>; and policy 17 – casino development .</p>
17.	10.3	<p>Amend paragraph:</p> <p>Theme 3D of the RSS is improving connectivity and accessibility within and beyond the region. Policy 50 <u>49</u> sets out the policy for the regional transport corridors.</p>
18	10.4	<p>Amend paragraph:</p> <p>Policy 51 <u>50</u> identifies the need to develop public transport provision, and Policy 52 <u>51</u>, identifies Middlesbrough as a strategic public transport hub within the Tees Valley city region. In policy 52 <u>51</u> the Tees Valley...</p>
19.	10.16	<p>Amend sentence:</p> <p>In line with the completion of the second LTP and the development <u>publication</u> of the RSS, there is the...</p>
20.	3.16	<p>'In REG2' rather than 'below'. Reword sentence:</p> <p>The general principles set out below in REG2 interpret this vision and identify those matters which will need to <u>be taken</u> into consideration in <u>when</u> devising development proposals, and in the preparation of masterplans for each of the development areas.</p>
21.	REG3a	<p>Amend spelling in REG3a:</p> <p>... and the Principle <u>Principal</u> Road Network (PRN);</p>
22.	Table 3.1	<p>Master plan should be added to the delivery mechanisms for all areas. Area I – Cargo Fleet has permission.</p>

23.	5.1	<p>Amend paragraph 5.1 to read:</p> <p>The older housing vision study will <u>was</u> be completed in 2006 and will be followed up with more detailed Neighbourhood Action Plans for the key areas.</p>
24.	5.5 (6.2 and other places)	<p>Change 'Development Priorities' to 'Spatial Strategy'</p>
25.	5.8	<p>Add a brief summary of the findings:</p> <p><u>Using the national ACORN (A Classification of Residential Neighbourhoods) database the report identified different types of households and their distribution across Tees Valley :</u></p> <ul style="list-style-type: none"> - <u>A southern and western belt of affluence, particularly in rural locations;</u> - <u>Urban prosperity groups in town centre locations such as Hartlepool Marina, Stockton Riverside and areas of Darlington and Redcar; and</u> - <u>Town centre areas principally comprising moderate means and hard-pressed groups</u> <p><u>Migration information from the 2001 census and CORE lettings data (relating to RSLs) was used to identify the relative influence of mobility in defining market areas. Data suggested that across Tees Valley, there are largely self-contained core urban centres with established residents, coupled with mobility of higher-income households who are the main drivers in shaping the nature of housing markets within Tees Valley.</u></p> <p><u>In terms of identifying the key drivers in the housing market, a range of drivers were identified.</u></p> <p><u>Structural</u></p> <ul style="list-style-type: none"> - <u>Economic change</u> - <u>Demographic change</u> - <u>Migration</u> - <u>B&ME Communities</u> - <u>Social cohesion</u> - <u>Student population</u> - <u>Poor housing conditions</u> <p><u>Location</u></p> <ul style="list-style-type: none"> - <u>Environment</u> - <u>Transport infrastructure</u> - <u>Layout</u> <p><u>Aspirations</u></p>

		<ul style="list-style-type: none"> - <u>Home</u> - <u>Neighbourhood</u> - <u>Tenure</u> - <u>Meeting aspirations</u> <p><u>Policy</u></p> <ul style="list-style-type: none"> - <u>Supply and demand for housing</u> - <u>Planning policies</u> - <u>Housing policies</u>
26.	5.10	<p>Amend last bullet point of 5.10</p> <p>Build well-designed, attractive homes <u>on</u> previously developed land...</p>
27.	5.25	<p>Redraft last sentence:</p> <p>The strategy for housing market renewal will be complemented by a framework that maximises opportunities to: improve the neighbourhood retail centre at Eastbourne/ Palladium buildings, co-ordinate the enhancement and use of public realm and open spaces.</p> <ul style="list-style-type: none"> - improve the neighbourhood retail centre at Eastbourne Road/ Palladium buildings; and - enhance the use of public realm and open space.
28.	PM	Add policy numbers to sites on the proposals map.
29.	7.1	<p>Delete second sentence:</p> <p>This section deals with the site-specific policies for delivery of a revitalised housing market. It identifies the sites that are needed to bring forward for residential development and meet the housing requirements identified in the RSS. Policies dealing...</p>
30.	7.16	<p>Amend sentence:</p> <p>...to ensure that Middlesbrough achieves the RSS <u>target</u> for the re-use of brownfield land of 70% for the Tees Valley city region.</p>
31.	8.11	<p>Redraft sentence:</p> <p>Although it is more appropriate that these non-retail uses are located elsewhere in the wider retail sector or elsewhere within the town centre rather than the</p>

		<p>primary shopping frontage.</p> <p><u>It would be more appropriate that such non-retail uses are located elsewhere in the wider retail sector rather than in the primary shopping frontage.</u></p>
32.	REG 23 and paras 8.19 – 8.21	<p>Amend title of policy to reflect correct description and amend description/ presentation on proposals map.</p> <p>REG23 The Southern Sector: University of Teesside</p> <p>Add sub headings to REG23:</p> <ul style="list-style-type: none"> - University of Teesside - Linthorpe Road South
33.	8.25	Add full title of Middlesbrough Institute of Modern Art
34.	8.30	Amend PM from 'Eastern Sector' to <u>East Sector</u>
35.	9.9	<p>Amend sentence:</p> <p>As development will result in the loss of playing fields, Sport England <u>the Council</u> will require a replacement facility...</p>
36.	10.19	<p>Add text detailing proposed timescales for implementation of Tees Valley LRT/ Metro. Delete final sentence on para 10.19</p> <p>In terms of providing an integrated transport strategy for Middlesbrough, the last option above is the preferred option. Policy requirements for the proposal are contained within the East Middlesbrough corridor, and A66 corridor sections below. Proposed timescales for delivery are estimated as phase one beginning in 2012.</p>
37.	Appendix A	<p>Explanation of lead agency acronyms required.</p> <p>MBC Middlesbrough Borough Council TVR Tees Valley Regeneration ONE One North East MTCC Middlesbrough Town Centre Company RSL Registered Social Landlord GONE Government Office for the North East DCLG Department for Communities and Local Government PCT Primary Care Trust</p>

		<p>RCBC Redcar and Cleveland Borough Council</p> <p>REG11 – amend ‘Neighbourhood Action Plan’ to ‘Regeneration Framework’</p>
38.	Appendix B	<p>Greater Middlehaven Figures for leisure floor space need to be amended. 2004-11 20,000 sq.m., 2011-16 25,000 sq.m., 2016-21 15,000 sq.m., 2021+ 2,000 sq.m.</p> <p>Add figures for retail warehousing 2004 - 11 9,000 sq.m.</p> <p>Greater Hemlington Reference to employment uses should be amended to refer B1/B2 and B8 uses.</p> <p>Competitive business infrastructure The difference between the figures for employment land at Riverside Park and REG12 is the land at SW Ironmasters. Amend figure for Riverside Park to read 34.58 ha.</p>

iii). Further Minor Changes (FMC) in response to pre-examination changes [Doc.LO77]

FMC No.	Policy/ Paragraph	Proposed Change
1.	8.10 PEC24	This area <u>is included within the Retail Sector as shown on the proposals map, and</u> currently comprises of a Royal Mail sorting office, car parking and retail units.
2.	Appendix	Amend appendix to contain superseded Local Plan Policies which makes clear which policy in the Regeneration DPD is replacing the Local Plan policies. See table below
3.	REG4 PEC10	Amend text to read and which contribute to the creation <u>and management</u> of habitats...
4.	REG 7 Criterion c	New bullet point

		Where <u>practicable</u> feasible the creation <u>and management</u> new of habitats identified in the Tees Valley BAP and integrating with strategic green infrastructure
5.	REG 13 criterion d PEC 13	Replace feasible with <u>practicable</u> and seek to <u>integrate habitats with strategic green infrastructure network</u>
6.	REG 13 criterion g PEC 14	Replace feasible with <u>practicable</u> and seek to <u>integrate habitats with strategic green infrastructure network</u>
7.	REG 14 criterion f PEC 15	Replace feasible with <u>practicable</u> and seek to <u>integrate habitats with strategic green infrastructure network</u>
8.	REG 15 PEC 16	Replace feasible with <u>practicable</u> and seek to <u>integrate habitats with strategic green infrastructure network</u>
9.	REG 17 PEC 18	Replace feasible with <u>practicable</u> and seek to <u>integrate habitats with strategic green infrastructure network</u>

New Appendix as per FMC2:

(NB: edited to remove reference to Policy REG35)

Local Plan Policy	Replaced by
EM2 General Employment Sites for Development	REG12 Employment Allocations REG 5 Hemlington Grange – Employment Uses REG 14 Riverside Park – Southwet Ironmasters REG15 Riverside Park – Enterprise Centre REG 16 East Middlesbrough Business Action Zone (EMBAZ)
EM3 High Quality Employment Areas	REG12 Employment Allocations REG 5 Hemlington Grange – Employment Uses REG 14 Riverside Park – Southwet Ironmasters REG15 Riverside Park – Enterprise Centre REG 16 East Middlesbrough Business Action Zone (EMBAZ)
EM4 Prestige Employment Site, Hemlington Grange	REG 5 Hemlington Grange – Employment Uses

EM7 Middlesbrough General	Deleted
EM8 South Cleveland Hospital (part)	REG31 St Lukes Hospital
EM9 Longlands College	REG 18 Housing Allocations
EM10 Coulby Newham District Centre	REG27 District Centres
EM11 North Riding Infirmary, Alternative Use	Deleted
EM12 Acklam Hall Complex	REG18 Housing Allocations
EM13 All Saints Refinery, Alternative Use	REG1 – REG3 Middlehaven
SA2 Town Centre Secondary Retail Area	REG22 Southern Sector
SA3 Retail Warehouse and Retail Development in Employment Areas	REG21 Cannon Park Sector
SA4 District Centre Retail Development	REG27 District Centres
SA5 Local Shops, New and Extended	REG 28 Local Centres
SA6 Local Shops, Proposals	REG 28 Local Centres
SA10 Non-A1 (shop) Use in Primary Shopping Frontages	REG 20 Primary Shopping Frontage
HO1 Housing Land Supply – Sites for Development	REG 18 Housing Allocations REG4 Hemlington Grange – Development Principles REG 8 Gresham/ Jewels Street Area REG9 Abington REG10 North Ormesby REG11 Grove Hill
HO5 Housing Renewal	REG 18 Housing Allocations REG4 Hemlington Grange – Development Principles REG 8 Gresham/ Jewels Street Area REG9 Abington REG10 North Ormesby REG11 Grove Hill
HO15 Provision of Community Facilities in New Development	REG 17 Green Blue Heart
TR3 Protection of Corridors for Public Transport	REG33 East Middlesbrough Transport Corridor REG34 East Middlesbrough Gateway
TR4 Bus Priority Measures, Radial Routes	REG41 Bus Network ‘super core’ and ‘core routes’
TR5 Middlesbrough to Nunthorpe Transport Corridor	Deleted
TR7 Town Centre Pedestrian Priority Zone, Proposals	REG1 – 3 Middlehaven REG1 – 3 Middlehaven REG21 Cannon Park Sector REG22 Southern Sector REG23 Middlehaven REG24 Central Gardens REG25 Gurney Street Triangle REG26 Middlesbrough Leisure Park
TR8 Development in the Pedestrian	REG1 – 3 Middlehaven

Priority Zone	REG21 Cannon Park Sector REG22 Southern Sector REG23 Middlehaven REG24 Central Gardens REG25 Gurney Street Triangle REG26 Middlesbrough Leisure Park
TR15 Road Schemes; Trunk and Primary Route Protection	REG34 East Middlesbrough Gateway
TR16 Roads; Junction Improvements Realignments and New Links	Deleted
TR17 Restriction of Access to Major Roads	Deleted
TR18 Car Parking (Public) Middlesbrough Town Centre	REG21 Cannon Park Sector Development Criteria REG26 Middlesbrough Leisure Park
TR19 New Road Access to Zetland Car Park	REG 38 Zetland Car Park
LT7 Tourism: New Facilities and Attractions	REG24 Central Gardens REG22 Middlehaven Sector REG26 Middlesbrough Leisure Park – Development Site
LT10 Conference and Exhibition Facilities	REG1-3 Middlehaven REG22 Southern Sector REG19 Principal Use Sectors REG23 Middlehaven Sector REG4 - 6 Hemlington Grange
COM5 South Cleveland Hospital	Deleted
TC2 Retail Key Development Sites	REG 19 Principal Use Sectors REG20 Primary Shopping Frontage
TC3 Office Key Development Sites	REG 19 Principal Use Sectors
TC5 France/ Montague St. Key Development Site	REG 19 Principal Use Sectors REG 26 Local Centres
TC8 University Key Development Site	REG22 Southern Sector
TC9 Middlehaven Prestige Multiple Use Site	REG 1 Greater Middlehaven – Phasing REG 2 Greater Middlehaven – Development and Design Principles REG 3 Greater Middlehaven – Transport Infrastructure REG 19 Principal Use Sectors REG 23 Middlehaven Sector
TC10 ‘Gateway Developments’	REG 1 Greater Middlehaven – Phasing REG 2 Greater Middlehaven – Development and Design Principles REG 3 Greater Middlehaven – Transport Infrastructure REG 19 Principal Use Sectors REG 23 Middlehaven Sector REG 25 District Centres REG 26 Local Centres

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iv). Further Proposed Changes (FPC) [Doc.LO79]

FPC No.	Policy/Paragraph	Proposed change
1	REG 21	Amend the first bullet point to read as follows: <ul style="list-style-type: none"> • Cannon Park west (<u>west of Marsh Street</u>) – retail warehouse use complementary to the retail sector. Other retail development will only be permitted where a need has clearly been established, and there would be no adverse impact on the vitality and viability of the retail sector.
2	REG 21	Amend the second bullet point to read as follows: <ul style="list-style-type: none"> • Cannon Park central (<u>east of Marsh Street</u>) – to be retained in employment uses within use classes B1, B2, and B8 with limited ancillary retail development, provided the goods sold are manufactured on the premises and the main use of the premises is for manufacturing. This area will only be released for retail purposes (use class A1) where there is quantitative need, and after the development of the area to the east, within the retail sector, and the Cannon Park west area.
3	REG19	Amend sixth paragraph to read: <p>Southern sector (<u>University of Teesside and Linthorpe Road</u>): town centre growth of retail (A1, A2, A3 and A4) and university uses (complementary to those in the retail sector particularly specialist retail uses).</p>
4	REG23	Amend the title of the policy to read: <p>Policy REG23 The Southern Sector (University of Teesside and <u>Linthorpe Road</u>).</p>
5	Pre Examination Change 24 New paragraph following	Delete first sentence A key finding of the Middlesbrough Retail Study is that the current town centre boundary is too constrained and therefore the expansion of the primary retail area into Cannon Park to accommodate additional retail floorspace is necessary.

	8.11	<p>A replace with</p> <p>A key finding of the Middlesbrough Retail Study is that the current town centre boundary is too constrained and therefore the expansion of the <u>retail sector</u> into Cannon Park to accommodate additional retail floorspace is necessary.</p>
6	Pre Examination Change 25 Paragraph 8.12	<p>Delete the first sentence:</p> <p>For the purposes of this DPD the Cannon Park sector comprises that part of Cannon Park not included in the Primary Retail Area.</p> <p>And replace with:</p> <p>For the purposes of this DPD the Cannon Park sector comprises that part of Cannon Park not included in the retail sector.</p>

v). Further Proposed Changes LO83 (Doc.LO83)

Change No.	Policy/paragraph No.	Proposed Change
LO83/1	New paragraph after Policy REG18	<p>Insert new paragraph and table after Policy REG18</p> <p>The published RSS sets out a requirement of 7,825 net additional dwellings for Middlesbrough in the period 2004 to 2023. Table 7.1 sets out the sources of supply that will deliver this housing requirement.</p> <p>Table 7.1 Net Additional Dwelling Requirement 2004-2023 (Figures rounded)</p> <p>2004 - 2011 2011 - 2016 2016 - 2021 2021 - 2023 2004 - 2023</p> <p>Net additional dwelling requirement in Regional Spatial Strategy 3,080 2,425</p>

Change No.	Policy/paragraph No.	Proposed Change
		<p>1,500 820 7,825</p> <p>Gross completions 1,600</p> <p>1,600</p> <p>Commitments 1,450 860 40</p> <p>2,350</p> <p>Housing allocations 1,705 2,865 1,780 450 6,800</p> <p>Less replacement dwellings -1,330 -805 -400</p> <p>2,535</p> <p>Projected net additional dwelling completions 3,425 2,920 1,420 450 8,215</p>
LO83/2	Policy REG18	<p>Delete footnote to Policy REG18:</p> <p>The number/proportion of affordable units listed should be seen as a minimum</p>
LO83/3	New policy (after	Add new policy and supporting text after REG19 to

Change No.	Policy/paragraph No.	Proposed Change
	REG19)	<p>read as follows</p> <p>Gypsy and Travelling Show People</p> <p>There is one gypsy/travellers site in Middlesbrough, at Metz Bridge, and one travelling showpeople site at North Ormesby. The site at Metz Bridge has 15 pitches and is managed by the local authority. It is the Council's intention to continue to maintain facilities at this site and to monitor its continued suitability for this purpose. The travelling showpeople site is privately owned and makes provision for 10 pitches.</p> <p>These two sites have been safeguarded within this DPD, and will only be allowed to be developed for alternative uses if a suitable alternative site can be provided or there is no longer a requirement for a particular site. A Tees Valley Gypsy and Traveller Accommodation Needs Assessment is currently in preparation and will inform future requirements.</p> <p>POLICY REG XXX GYPSY AND TRAVELLING SHOW PEOPLE SITES</p> <p>Proposals for development of alternative uses of the existing gypsy site at Metz Bridge, or the existing travelling show people (members of the Showmen's Guild of Great Britain) site at North Ormesby will not be permitted unless the Council is satisfied that there is no longer a local need for the provision, or an alternative site can be provided. In considering the suitability of any replacement provision the Council will have regard to the criteria contained in policy CS12 of the Core Strategy.</p>