

WHITBURN NEIGHBOURHOOD FORUM



Response to the Emerging Local Plan

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Response to the Emerging Local Plan – Pre-Publication Draft

We, the Whitburn Neighbourhood Forum (WNF) have a number of concerns with the Emerging Local Plan – Pre-Publication Draft that was approved by the cabinet for consultation on June 15th 2022.

1. EXECUTIVE SUMMARY

1.1. Housing Need

The draft local plan that South Tyneside Council (STC) have recently issued are using ONS figures that are eight years out of date. Thus, STC are not able to meet Conservative government's housing needs derived from the government's own standard formula on brownfield sites alone.

However, the Levelling Up and Regeneration Bill proposes significant changes to the planning system which has led to uncertainty around national planning guidance which needs to be fully understood. This is likely to include the way national housing requirements are worked out and set locally, which will dictate how local plans are drawn up.

There will also be a revised NPPF and an NPPF prospectus. A 'more sophisticated way of assessing housing need' will be included in the revised NPPF. As the former DLUHC SoS states, 'we also need to ensure that how we calculate need and how plans are adopted is much more sensible and sensitive'. Both candidates for PM have also made statements that they want to abandon centrally set housing targets and formula.

In its policy report, the government signals very clearly that it wants to protect and safeguard the Green Belt and pursue policy options to make the Green Belt even greener - which is the opposite of building on green belt. There is also a Green Belt Protection Bill currently going through Parliament that proposes to establish a national register of Green Belt land in England which will restrict the ability of local authorities to de-designate Green Belt land.

The PPG is very clear that the Standard Method is not the whole answer to deciding on a housing target within a particular local authority. The formula is only based on two inputs so cannot possibly accurately reflect the myriad of very different housing challenges that exist across the country. The Standard Method was introduced to speed up and simplify the Plan-making process but was never intended to be a panacea. Current Planning Practice Guidance states that the use of the standard method is not mandatory, and a local authority can move away from this in exceptional circumstances. The above change in political and policy direction on housing need and green belt and recent data from the census showing a decline in the number of residents, shows that this exceptional circumstance is indeed present. Many local authorities have indeed paused their work while they await more information, conscious as they are that if they delete sites from the green belt, they will be unnecessarily lost forever.

We recognise the constraints imposed on the council by current government planning policy. However, we propose that the plans are put on hold until the government make their intentions for the new planning policy framework clear, whereby they issue transitional guidance that align with their intentions, prior to new legislation coming into force.

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1.2. **Biodiversity, Site Selection, SA and HRA**

The site selection method and the Sustainability Assessment are both unsound. The SA fails to be a comprehensive assessment of impacts on biodiversity in particular. The site selection method is obscure and arbitrary, with different methods used for different sites, which fails to provide a complete overview of impacts from allocations. If there is no comprehensive understanding of all sites, then how has the decision been made that some sites should be developed, and some should not? What is this based on? The Forum needs to see the complete evidence and the council needs to be more transparent and open to scrutiny.

The Local Plan does not meet the requirements of the NPPF, and of paras 11, 16, 22 and 174 in particular.

1.3. **Health Provision**

It is considered unlikely that developers will be in an informed position to produce a satisfactory Health Impact Assessment (HIA) for the 396 houses proposed for Whitburn until the present identified state of health provision inequality in the village is addressed.

We recommend that the work of the Local Clinical Commissioning group looking at health provision in Whitburn is concluded **before** the local plan is agreed. This will allow for planned improvements in health care provision to be agreed that remedies this identified deficiency in social facilities.

1.4. **Air Quality and Impacts on Health Outcomes**

Due to the proposal to build an extra 396 houses bringing with it a 17 % increase in traffic there is a requirement to produce an Air Quality Assessment before any developments take place in Whitburn

1.5. **Traffic**

We recommend, due to the increase in traffic in Whitburn over the last 60 years (with no commensurate improvement in the road infrastructure) and due to the proposed increases in levels of car ownership (that will result from the proposed increase in population in the Draft Local Plan) a comprehensive Transport Assessment (TA) and Travel Plan (TP) unique for Whitburn should be prepared before any development levels are agreed.

1.6. **Social and community infrastructure**

The present education provision in Whitburn is inadequate to deal with any increase in student population and South Tyneside Council should request the developer to provide the land and construct and equip a new school.

1.7. **Sewage**

No large housing developments can be agreed to until plans to improve the sewage treatment infrastructure are also agreed.

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2. STATEMENT OF COMMUNITY INVOLVEMENT

The Regulation 18 Draft Local Plan was approved by the council cabinet on 15th July 2022. A consultation period started shortly afterwards and closed on the 14th August 2022.

According to the **Statement of Community Involvement** on the council's website:

We will keep you informed through a variety of methods including: letters and e-mails, our website www.southtyneside.info our 'Local Plan' newsletter, the council's 'South Tyneside' magazine and through notices in the local newspaper.

There is a marked difference in the way that South Tyneside Council have sought the views of the local community with respect to The Draft Local Plan as compared with the Strategic Land Review. There are details of the consultation period regarding The Draft Local Plan on the Council web site and drop-in sessions have been arranged throughout the borough, managed by council staff. The South Tyneside Council did not deliver notices outlining The Draft Local Plan, inviting comments, and advertising the drop-in sessions.

At the drop-in meeting held in the Whitburn Village Hall only about 8 residents turned up and four of them were members of the Forum executive committee. Many residents were totally unaware of the plan other than advertising by the forum and were not aware of the drop-in sessions being held in the village. The council are also only accepting online comments. This rules out a lot of elderly folk who are not Internet savvy.

There was also confusion within the village between the Local Plan and the referendum for the Neighbourhood Plan. It has become apparent that some villagers voted against the Neighbourhood Plan when they thought they were voting against the Local Plan.

We, the Forum believe that the council have not demonstrated an adequate and robust communication strategy seeking the views of the local community with respect to the Draft Local Plan and more consultation is required before the Local Plan is agreed.

3. HOUSING

The regulation 18 draft local plan was approved by the cabinet on Wednesday June 15th less than 2 weeks before the 2011 census figures were published. This plan estimates the 2021 population of South Tyneside as 151,936 whereas the actual figure is 147,800 an overestimate of 4,136 or 2.8%.

This equates to approximately 2,000 houses. That is more than has been allocated in the plan to the green belts of Whitburn, Cleadon and East Boldon combined.

The council planners inform us that they have to use as a base the ONS 2014 population figures and abide by the governments standard method for calculating allocations.

However, the **Department for Levelling up, Housing and Communities** have stated in a response to a letter from East Boldon Forum that

"The standard method does not impose a target; it is still up to the local authority to determine its housing requirement, and this includes taking local circumstances and restraints such as Green Belt into

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account and working with neighbouring authorities if it would be more appropriate for needs to be met elsewhere. It is recognised that not every community will be able to meet its housing need in full."

The letter also states:

"The Government is committed to protecting and enhancing the Green Belt, in line with our manifesto. Strong protections for Green Belt remain firmly in place. The Framework states, for instance, that a Green Belt boundary may be altered only in exceptional circumstances through the Local Plan process. A local authority should consider releasing land from Green Belt only if it can demonstrate that it has explored all other reasonable options."

The fact is that there is no housing shortage in this area of the North East. If you examine the 2021 census figures the two neighbouring councils like South Tyneside have seen a decrease in population in the last 10 years.

Council	Census 2011	Census 2021	Difference	%
South Tyneside	148,127	147,800	(327)	(0.2)
Gateshead	200,200	196,100	(4,100)	(2.0)
Sunderland	275,506	274,200	(1,306)	(0.5)
Total	623,833	618,100	(5,733)	(0.9)

Reliance on outdated figures and a standard method that inflates housing needs are not exceptional circumstances to remove the green belt spaces.

Furthermore the figures in the SHLAA are contradictory, inaccurate and full of arithmetic errors. For example the figures in 5.1

A	Residual Requirement	5,457
B	Developable SHLAA sites	6,147
C	Supply Against Target (A-B)	-2,370

Table 13 Supply against target before assessing Green Belt

Here is another one from the SHMA. The total is 7 years

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Table 2.10 Dwelling completions 2014/15 to 2019/20

Year	Completions	Demolitions / losses	Housing target	Net delivery
2014/15	456	47	365	409
2015/16	431	46	365	385
2016/17	566	103	350	463
2017/18	438	99	350	339
2018/19	402	154	350	248
2019/20	251	15	350	236
2020/21	182	2	341	180
Total (past 6 years)	2,726	466	2,471	2,260
Annual average (past 6 years)	389	67	353	323

Source: Council data

How can we trust the figures when they do not add up!

Which brings us to another quandary. According to the table 2.10 above 2,260 net dwellings were built in the last 7 years. However the 2021 census informs us that there was only an increase of 1,133 households since 2011 (a period of 10 years). We would expect there to be more households than dwellings not the other way round. The census 2021 figures records 68,300 households whereas the SHMA plan estimates there are 70,170 households and 72,081 dwellings. If the dwellings figure is accurate and assuming there is 1 household per dwelling (highly unlikely) then there are 3,781 dwellings vacant. This means that there are 5.2% of dwellings vacant compared with the national rate of 2.5%. Therefore the vacancy rate in the borough is above the 'transactional vacancy level' of 3%, which is the proportion of stock normally expected to be vacant to allow movement within the market.

4. CONSULTATION FOR NEIGHBOURHOOD PLAN

As part of creating the Neighbourhood Plan the Forum has been involved in a number of consultation exercises with the community.

We had a series of workshops to elicit feedback of what the villagers liked and disliked about Whitburn. The community were asked to answer 5 questions:

1. What do you like about Whitburn and want to keep?
2. What do you dislike about Whitburn and want to change or improve?
3. What does Whitburn not have that you would like it to have?
4. What do you think the neighbourhood plan should address?
5. Any other comments?

A high percentage of the comments referred to housing and green belt. The general feedback was that:

- Developers were more interested in profit margins than local demand, building large executive style housing rather than affordable housing.
- Development should be modelled on local need, including affordable housing and

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accommodation more suitable for the elderly eg bungalows.

- Priority should be given to local families for social housing

The following table represents the percentage of comments relating to either greenbelt (retain) or development (must be based on need)

Question	Greenbelt	Development
What do you like about Whitburn and want to keep?	40%	
What do you dislike about Whitburn and want to change or improve?		38%
What does Whitburn not have that you would like it to have?		4%
What do you think the neighbourhood plan should address?	32%	57%
Any other comments?		22%

Supply v Demand

The Forum employed Aecom to produce a Housing Need Assessment for Whitburn. They looked at supply v demand of types of houses

"Another approach to benchmarking whether sales volumes indicate inflated or depressed demand across different housing types is to compare the proportion of sales of each type of housing (excluding any new builds, which would introduce supply side factors) with the proportion of the existing housing stock that falls into each category. This allows conclusions to be drawn about whether the sale of homes of each type is occurring proportional to their availability, or whether, on account of sales volumes in any given type exhibiting a greater or lesser proportion than in the housing stock, suggesting higher or lower demand for that type respectively.

This comparison is presented in the following table, with figures for the housing stock in South Tyneside as a whole presented alongside for reference. The table shows that whilst the percentage of sales and stock are roughly the same for detached properties and flats, fewer semi-detached properties are being sold than are represented in the existing stock. Whereas, for terraced properties, it appears that sales are much higher than the level of stock which could suggest this is where there is the highest demand relative to supply within Whitburn, versus a decreased demand for semi-detached properties. Indeed, in both cases, this conclusion is only reiterated by the existing stock within the district as a whole, which both points to there being less demand for semi-detached properties than would be expected given its availability and more demand for terraced housing given its availability."

Percentage of housing sales compared to stock

	SALES Whitburn	STOCK Whitburn	STOCK South Tyneside
Detached	14%	16%	8%
Semi-Detached	45%	53%	41%
Terraced	36%	25%	30%
Flats	5%	6%	21%

Source: Census 2001/2011, Land Registry PPD, AECOM Calculations

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This analysis supports the Forum's consultation exercises conducted for the neighbourhood plan that the current need is for affordable terraced/town houses.

5. GENERAL GREEN BELT/BIODIVERSITY COMMENTS

- The Local Plan is not promoting sustainable development:
 - 1) Unequal growth for Whitburn places pressure on existing facilities, with no plans to expand or build new facilities at strategic level;
 - 2) No plans to implement BNG let alone environmental net gain in policy;
 - 3) Development in Whitburn is unsustainable. Locations are more than three miles from any metro station. This will be the cause of additional carbon emissions. [Greater Cambridge's assessment](#) of growth options and carbon emissions showed that growth within villages would by far cause the highest emissions due to transport implications (figure 3 in report). Those living in Whitburn will need to use transport that will have high emissions. There are bus routes through the village, but these have emissions. Overall, the Whitburn area has a higher level of car ownership, and more people use their car for commuting than the South Tyneside average. This means that it is more likely that people will commute using their car, leading to further high emissions.
 - 5) Does not make efficient use of brownfield
- NPPF para 22 states that 'Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery'. This has not been done for the allocations in Whitburn, which are significant compared to current dwellings.
- The Local Plan goes against policy 174 of the NPPF:
 - a) It does not protect or enhance valued landscapes. Sites allocations will affect area of high landscape value, or their setting
 - b) It does not consider the economic and other benefits of best and most versatile land. Site allocations will cause the loss of BMVAL, yet there is no assessment of cumulative loss. This is pertinent because of the food security debate, and the growing awareness of this. A [recent report](#) showed that 14,500ha of the best agricultural land have been permanently lost since 2010 and it's crucial that the Local Plan considers this. The interactive does not contain all BMVAL as identified on the Magic Map and Natural England data.
 - c) It does not maintain the character of the undeveloped coast by allocating land for development in this area.
 - d) It does not minimise impacts on biodiversity by not consistently assessing the loss or damage to biodiversity on the sites where allocations are proposed.

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- The Local Plan proposes to delete green belt sites. The Forum objects to this for multiple reasons, including that the Local Plan has not shown the need for this and that it lacks a comprehensive assessment of impacts on the environment and climate change. In addition, in accordance with NPPF para 142, there needs to be a plan in place to improve the remaining green belt. The council should set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land. This should be localised, i.e. any green belt land taken out of Whitburn should lead to improvements to the remaining green belt within Whitburn.
- Policy SP22: Green Infrastructure states that Supplementary Planning Document 3: Green Infrastructure Strategy (2013) provides the foundation for the Green Infrastructure policy. Yet the map provided has been altered from what appears in SPD3. The GI network has been amended without any evidence to support this, and conveniently excludes new allocations within Whitburn Green Belt. As these sites are still unallocated and are still part of the existing GI assets, this is inappropriate. It shows that the council is biased and has made the decision to allocate these sites for development without going through due process. When the Whitburn Neighbourhood Plan was going through examinations, the inspector requested a map from the council showing the GI corridor. The council provided the same false map with altered boundaries, thereby misleading the inspector and trying to push their changes through without going through any consultation processes. Luckily the Forum realised, but the council is now trying to do the same for the Local Plan. The GI map needs to be the same as in SPD3, as stated in the Local Plan.
- Policy SP17: Climate Change. This should refer to sustainable locations for development as well. This is a crucial factor in climate change mitigation and adaptation.
- Policy 36: Protecting against the loss, damage, or deterioration of (...) irreplaceable habitats. The wording is not strong enough. NPPF footnote 7 and para 180. Irreplaceable habitats are excluded from the presumption in favour of sustainable development. Development leading to the loss of such habitats should be refused. Policy wording needs amending to reflect NPPF.
- Policy 33: Biodiversity, Geodiversity and Ecological Networks: 'i. Avoid/minimise adverse impacts upon biodiversity and geodiversity in accordance with the mitigation hierarchy'. Using a / creates ambiguity. It should be avoid and minimise - should be clear that the first step in the mitigation hierarchy is to avoid, second step is to reduce or minimise. Impacts should not be minimised if they can be completely avoided. Unless minimise is meant as mitigation? This policy wording will create confusion.
- Para 11.9: 'The requirement to provide biodiversity net gain is in addition to any mitigation measures required to address potential harm created as a result of the development.' It should be clear that BNG should also be applied AFTER the mitigation hierarchy has been applied and BNG should not be used as an excuse to not follow the mitigation hierarchy. This needs to be added in the text.
- Map 42 should display the whole coast. It is misleading to display only a small proportion of N2K sites in the borough
- 11.14 refers to interim SPD – yet this has not been mentioned before, Is this the Mitigation Strategy?
- 11.18 Proposals for any development within 400m of the European designated sites are likely to cause additional effects– yet this is not assessed for those sites within this boundary, which in Whitburn is Land North of Shearwater (also see below)
- Wildlife network is identified on the policy map, but there is no clear link to the Local Plan. It does not mention the term 'wildlife network'. How will this network be protected? What weight does

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it have? Also, there is no assessment of the impacts on this network from allocating land for housing that is part of the network, including land north of Shearwater.

- Para 11.26: 'The Act sets a requirement for development to achieve a mandatory 10% net increase in biodiversity, secured for at least 30 years'. The Environment Act actually sets out *at least* 10% - this needs to be amended.
- Clarity is needed on the Biodiversity Supplementary Planning Document (SPD). What are timelines for making this happen and how will this work for new development applied for in the meantime?
- The Local Plan lacks a climate change assessment. South Tyneside Council has declared a climate emergency, yet this is not acknowledged nor acted upon in developing the Local Plan. There should be consideration of the effect of the loss of natural capital assets and their importance to mitigating and being resilient to climate change. There should also be an assessment of the effect of building in green belt outside the main urban area. Please see the Greater Cambridge's example of a carbon assessment regarding the sustainability of their growth options linked to above. The Plan should build in higher densities on brownfield land and not accept the standard housing method, as the use of green belt goes against the aim to fight climate change.

6. SUSTAINABILITY ASSESSMENT

- Has not assessed the local circumstances for using a different housing need, including green belt. Has not considered the latest demographic data and projections.
- Para 4.41 claims that Whitburn is just over 5km from Sunderland city centre as the crow flies, this is not a realistic distance. No one travels in a straight line. By road it is around 7km.
- Too high a number for the population of Whitburn. Population is 5102 (<https://www.nomisweb.co.uk/reports/localarea?compare=E35000601>)
The population in the table includes Marsden - this is not in the village of Whitburn.
- The summary assessment of the sites contains errors and is incomplete - see below for errors per site
- It is unclear how the conclusions of the SA have been taken into account into the final site selection and the development of the Local Plan draft. Even more, the SA is incomplete and is severely lacking the consideration of crucial implications of the Local Plan on the environment.
- For the site assessments, why is there no consideration of biodiversity impacts? Only distance to designated sites is included as a factor, not the effect on biodiversity on site. It is common to include e.g. loss of habitat (priority habitat, priority species). These can be so large that it should not be allocated, e.g. linking to the wader report. How is this assessed? The impacts are known at this stage as some of the potential sites have been screened out due to biodiversity impacts, but details of this assessment and its report are missing. The Forum needs to see a complete assessment of how sites have been screened in/out.
- It does not consider the cumulative effects of allocations on villages. It only considers the individual impacts of sites. Taken all four allocated sites in Whitburn together, there are significant impacts on many areas including biodiversity.
- P303 (Appendix F Reasons for Selecting or Rejecting Site Options) - this shows which sites have not been taken forward - there are many errors in here that show that the SA has not informed the choices at all. For example, SW06 - states significant impacts on biodiversity as reason not taken forward yet the table earlier only has amber for biodiversity.

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- Promoting healthier communities objective: distance to healthcare facilities and to open space are completely different factors that contribute to health. A positive effect in one does not cancel the effect in another out.
- SA should consider proximity to metro station, not just bus - public transport is more than bus connections, whilst buses contribute to carbon emissions.
- Releasing green belt land at whitburn is not the most sustainable option. There is an existing pressure on facilities, which is not recognised in the SA. There is limited public transport (bus only) and the nearest town centre is over 5km away. Whitburn has shown to be a commuting village with not much employment opportunity within the village. Development near the town and near public transport interchanges would be more sustainable. This would also achieve higher densities and would therefore need less land to be used. SA has not considered more sustainable locations in terms of development pattern. It has only focused on green belt releases away from the most sustainable locations.
- South Tyneside has high levels of multiple deprivation, and low levels of access to green space (see <https://designatedsites.naturalengland.org.uk/GreenInfrastructure/Map.aspx>). No consideration has been given of the impacts of deleting green belt on health and inequality. It goes against 'levelling up' by depleting the area's natural resources and preventing effective brownfield development and regeneration to come forward.
- SA monitoring insufficient. GI should also measure GI strategic corridor area lost or gained.
- SA objective and monitoring of Land use should include reference to BMVAL - measure area lost
- SA monitoring of biodiversity should measure the effects of the plan and not general developments on e.g. SSSI condition. It should measure area of biodiversity habitat lost as well.

7. SITE ALLOCATION

7.1. Methodology

- This is an opaque process, obscuring scrutiny. It is not clear what criteria is used to screen sites in and out.
- There is no link between the SA and the site selection report, e.g. screening out some sites due to biodiversity impacts that are included in the site allocation topic paper but not the SA. Where is the evidence behind this if known for some sites, but not all?
- Site allocations are not in line with the mitigation hierarchy - it is not evidenced how the significant impacts on biodiversity on these allocated sites are avoided firstly.
- There is no assessment of individual and cumulative impacts on best and most versatile agricultural land, and the impacts on the economic and other natural capital benefits from BMVAL.
- The SA is where it all should get together - all assessments and impacts. It should contain a map with the sites. The lack of a map or a complete table with all the site names and locations, plus the use of three different identifiers means it is very difficult to look at overall sites. For instance, Wellands Farm site is known as GA10, SWH009 and WH17a in various documents. This is also causing errors with assessments, e.g. the HRA (see below).

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7.2. **Site selection Topic Paper**

- Refers to SA and Green Belt review, but it is not clear how some sites have been screened out and why some have not - there is no link between the SA conclusions / significant red effects and the selection process.
- Even more, for some sites (e.g. SBC004) it considers the effects from development on habitats and species on-site. Yet this is not done for all sites, or there is no mention of the wader report. The screening method is therefore unclear and incomplete. It is an arbitrary approach to screening as for some sites certain effects are taken into account, while it is silent on these effects on other sites. This prevents a comprehensive, objective, valid and reliable assessment to take place.

7.3. **Site Framework**

What weight does the site framework have? Will applications be judged against the layouts in the framework? How much weight will be on the need for environmental net gain?

7.4. **Green Belt Review**

- Lacks a standard and objective method to assess impacts. The document is entirely based on narrative, leading to subjective, unreasoned, and biased assessment.
- Lacks cumulative effects of multiple sites taken out of green belt. Green Belt is not made up of individual small sites as assessed. It is one large area, and it should therefore be assessed as a whole. Looking at the Green Belt as a whole, taking all the sites out that have been screened in for allocation, will the remaining green belt still fulfil its purpose?
- South Tyneside's Green Belt has a unique purpose to separate the villages and the urban area of South Shields from themselves and other authorities, in a wider region that is very densely populated. This gives South Tyneside's Green Belt an important purpose in keeping the land open, in combination with the importance for green space access and enjoyment mentioned earlier. Yet no consideration of overall impacts of taking green belt land away has been given.

7.5. **Whitburn Lodge (GA12)**

- Errors in number of houses here. Local Plan specifies 30, while site framework states 25.
- Strongly support environmental net gain, but there needs to be more detail and guidance for developers to understand how to achieve this.
- No link to the land that is owned by the same landowner - it includes part of GA12

7.6. **Land North of Shearwater (GA13)**

- SA assessment has errors. On P67, the table on SWH026 does not take into account the significant negative effect on best and most versatile land (land use). SA criterion is that a red negative effect is applied (p269) if greenfield land is mainly on grade 3 soils. Site is mainly 3a with the rest 3b - see magic map, post 1988 ALC layer. It also says it's classed as urban land. This is incorrect

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as it is greenfield. It is not currently used for food production, but it could in the future. Allocating this means that this option is completely taken away and therefore it should be considered that development would result in the permanent loss of 3a land and its potential for food production.

- Significant negative effect on GI as it's within the GI network - SA might have been based on the altered GI map and is wrong. Should be significant red effect.
- It correctly states that the site is within 400m buffer of a N2K site, but incorrectly states this will cause recreational effects only. As it is clear from the SA itself, and from the Local Plan, there are additional effects on N2K sites, such as invasive species and trampling. This should be included into the assessment.
- It is within a wildlife network and forms the links between wildlife corridors and local landscapes of high value. It is undeveloped coast, also as identified in the Whitburn Neighbourhood Plan.
- Site allocation would be against LP policy SP40 - agricultural land. Development should be avoided because there are enough suitable alternative sites on previously developed or lower quality land.
- Site allocation goes against policy 39: retaining and enhancing the open and undeveloped character of the area
- Total for this site should be 6 red significant negative effects and is within 400m of the SAC; the site should not be taken forward for development.
- Green belt review: error: there is no previously developed site to the north. It is adjacent to a garden at the north. Only contained by housing to the south.
- It has a strong purpose to restrict sprawl. It is an open site part of undeveloped coastal land (also in the Whitburn Neighbourhood Plan), and areas of high landscape value. Building on here would cause sprawl along Mill Lane - ribbon development.
- Together with lodge being developed, this causes a strong impact on how it prevents Whitburn and South Shields from merging.

7.7. Land North of Cleadon Lane (GA11)

- Biodiversity impacts are more than neutral - on site impacts should be assessed, and the site was not assessed for wader presence.
- Site is within the GI corridor, not on the periphery. This is because a false map was included in the Local Plan. Effects are negative. Focus on it not having public access is misleading, as GI has a multi-functional purpose, which is not limited to public use.
- Site is within the wildlife corridor. Yet has been excluded from the wildlife network map for no obvious reason apart from it being proposed for housing.

7.8. Wellands Farm (GA10)

- Biodiversity impacts from developing the site have not been considered. Waders, particularly curlew use this site - this is a significant impact that is not mitigated. Housing will reduce field significantly and will disturb waders which are likely not to return there. How will this be compensated for?
- It is part of a wildlife corridor and area of high landscape value - yet no mitigation proposed. It is against policy 39 on landscapes.

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- The impact on biodiversity in the SA should be red because of this. Current assessment underestimates local impacts.
- Loss of 2 ha of grade 3a land (BMVAL) - goes against policy 40
- No reasoning for the sudden increase in housing numbers.

8. AREAS OF HIGH LANDSCAPE VALUE

- The Forum supports designating The Coast: Area of High Landscape Value
- The Forum objects to the boundary purposely being drawn around the land north of Shearwater (SWH026) even though the character is the same as in the rest of the area - undeveloped green coast. Visually it is the same as the surrounding area and the landscape designation should wrap around the brownfield land of the lodge but include land north of Shearwater.

9. HABITATS REGULATIONS ASSESSMENT

- A183 Assessment of Durham Coast SAC: 'Given that there is no contemporary assessment of traffic flows or air quality that reflect growth proposed in the emerging Plan, this furthermore detailed analysis cannot take place. Consequently, at this stage in plan making, adverse effect on the integrity cannot be ruled out (in combination with other plans or projects) and further evidence is necessary to inform the next iteration of the HRA at the Regulation 19 stage.' The Forum requires more information on how this assessment will take place.
- Water quality: no mention of the evidence that is existing of sewage overflow (see other section of comments). This is an issue that could have a likely effect and in line with the precautionary principle it should be assessed, or evidence shown it can be screened out at this stage.
- "Dog fouling is a widely recognised issue" and on trampling: "need for steps for example at Whitburn Bents and Whitburn Steel to address trampling pressure". The statement that dog fouling and trampling is an issue in Whitburn is not followed through. Site allocations within Whitburn are very close to protected sites, and therefore will increase these pressures, yet no further assessment or mitigation is included.
- Screening of sites contains errors, e.g. GA9 is not within 400m of protected sites (in Cleadon not near N2K sites). Whitburn sites not included as being within 400m while they should be (e.g. see SA), for example GA13 (land north of Shearwater).
- The 400m is only mentioned in relation to identifying sites within this buffer, but there is no further assessment of impacts in the HRA. The SA and Local Plan do mention this buffer. The HRA needs to include evidence on additional impacts. Sites within the 400m buffer should not be developed due to the impacts that cannot be mitigated. This includes Land north of Shearwater. For example, note the 400m exclusion zone for residential development at Thames Basin Heath, which showed stronger recreational pressure, fly tipping and vandalism risk that could not be mitigated.

10. LOCAL SHOPPING CENTRE

The Forum objects to map 40 of the Whitburn Local Centre. Both the name and the area should match POLICY WNP11: WHITBURN VILLAGE CENTRE as included in the Whitburn Neighbourhood Plan.

WHITBURN NEIGHBOURHOOD FORUM

11. HEALTH PROVISION

LOCAL PLAN POLICY

POLICY 1: PROMOTING HEALTHY COMMUNITIES

To improve and promote strong, vibrant, and healthy communities which encourage positive health related behaviours, reduce health inequalities, and support good physical and mental health and wellbeing, the Council, and its Partners, including the NHS, will:

- Support health care provision and improvements
- Ensure new developments contribute to improving health and reducing health inequalities by requiring a Health Impact Assessment (HIA) to be submitted for:
 - Residential schemes for 100 or more dwellings or bedspaces
 - Other developments where the proposal is likely to have a significant impact on health and wellbeing.

NATIONAL PLANNING POLICY FRAMEWORK

To ensure faster delivery of other public service infrastructure such as further education colleges, hospitals and criminal justice accommodation, local planning authorities should also work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues **before** applications are submitted.

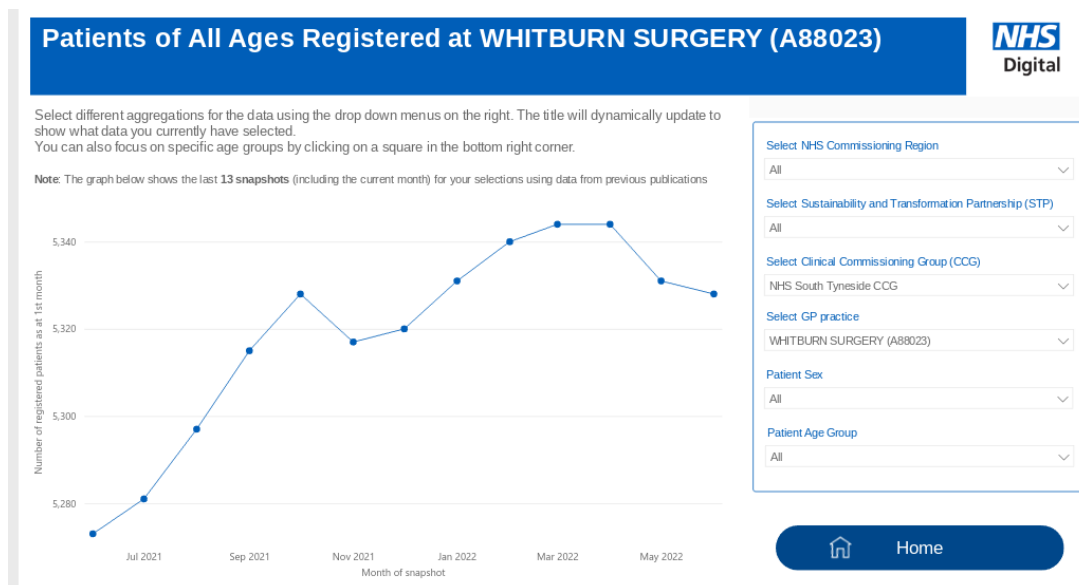
CURRENT LACK OF HEALTH PROVISION IN WHITBURN

- There is currently a shortage of health provision in Whitburn Village in comparison with neighbouring areas of South Tyneside.
- In South Tyneside the average GP has 2008 patients per each GP#
- In North Tyneside this figure is 1491 patients per GP#
- Currently in Whitburn there is only one GP and the surgery has a patient list of 5328.*
- At Central Surgery there are 13 GPs with a patient list of 19333 patients or 1487 patients per doctor
- At Marsden Road health centre there are 16GPs with 14,000 patients or 875 patients per doctor

#ONS Geography, NHS Digital, NHS England & Improvement.

*NHS - Business Services Authority

WHITBURN NEIGHBOURHOOD FORUM

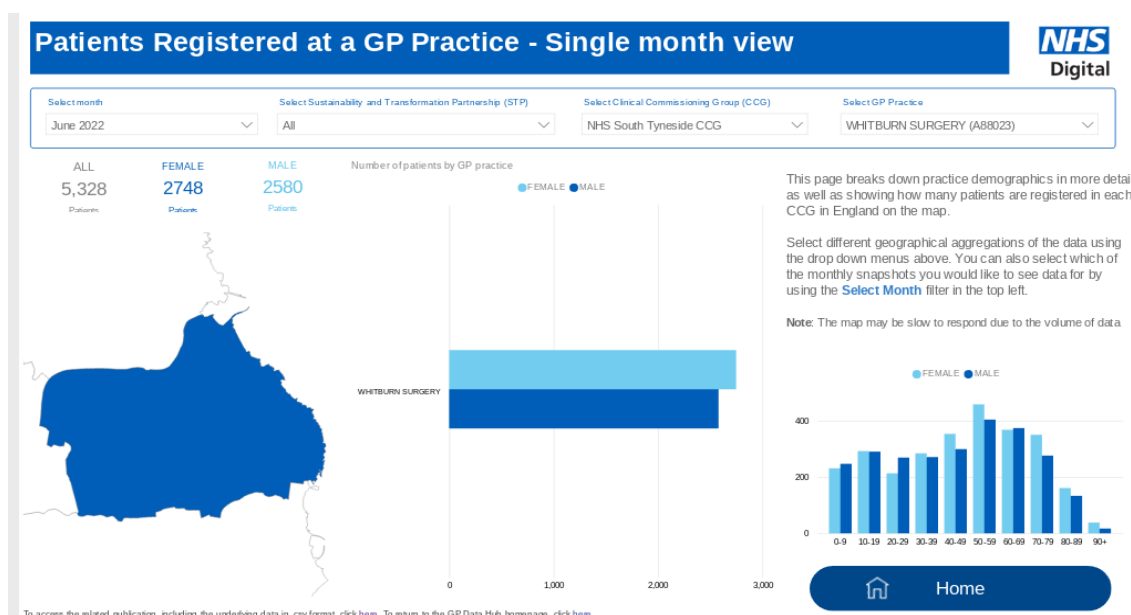


If the Local Plan is approved an extra 396 houses in Whitburn will bring another potential 950 patients to Whitburn

Where will these new patients register at a GP?

AGEING POPULATION

The total number of patients registered at Whitburn Surgery over the age of 50 years is 2,579 which represents 48% of the total. Note from the graph below that the majority of patients are in the 50-59 age group. Over the next 10 years this "bulge" will move to the 60-69 age group with more medical care required for age related diseases.



WHITBURN NEIGHBOURHOOD FORUM

RECOMMENDATIONS - POLICY 1: PROMOTING HEALTHY COMMUNITIES

It is considered unlikely that developers will be in an informed position to produce a satisfactory Health Impact Assessment (HIA) for the 396 houses proposed for Whitburn until the present identified state of health provision inequality in the village is addressed.

We recommend that the work of the Local Clinical Commissioning group looking at health provision in Whitburn is concluded **before** the local plan is agreed. This will allow for planned improvements in health care provision to be agreed that remedies this identified deficiency in social facilities.

12. AIR QUALITY AND IMPACTS ON HEALTH OUTCOMES

LOCAL PLAN POLICY – AIR QUALITY POLICY

- Development should contribute to the improvement of air quality
- Where significant air quality impacts are likely to be generated by the development, an appropriate air quality assessment will be required. Development that would result in exposure to air pollution that exceeds national air quality objectives will only be approved where satisfactory mitigation measures can be implemented.

NATIONAL PLANNING POLICY FRAMEWORK

As per the National Planning Policy Framework paragraph 186 and paragraph 181, National Planning Practice Guidance – Air quality chapter and as per the Validation of Planning Applications in Tyneside – 2019.¹

Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.

Where a development would lead to a minimum 5% increase in traffic within an Air Quality Management Area (AQMA), Clean Air Zone (CAZ) or 10% elsewhere.

Where relevant, development that may result in a detrimental effect on air quality in the Borough will need to be supported by an air quality assessment that demonstrates appropriate mitigation or promotes sustainable options such as electric charging points. Development proposals must consider the cumulative impacts from other permitted developments on air quality. The Validation Checklist outlines what an Air Quality Assessment must include.

SOUTH TYNESIDE RESIDENTS LIFE EXPECTANCY - LOWER THAN THE NATIONAL AVERAGE

¹ [https://www.southtyneside.gov.uk/media/9861/Validation-of-Planning-Applications-in-Tyneside-2019-version-1-February-2019-/pdf/Validation of Planning Applications in Tyneside \(Feb. 2019\).pdf](https://www.southtyneside.gov.uk/media/9861/Validation-of-Planning-Applications-in-Tyneside-2019-version-1-February-2019-/pdf/Validation%20of%20Planning%20Applications%20in%20Tyneside%20(Feb.%202019).pdf)

WHITBURN NEIGHBOURHOOD FORUM

Residents of South Tyneside Council generally have a lower life expectancy than the national average according to Public Health data reports²:

	Male	Female
South Tyneside	77.0 years	81.8 years
National Average	79.8 years	83.4 years

There is evidence to suggest that long term exposure to poor air quality increases the risk of premature mortality from cardiovascular and respiratory diseases. The latest research also links poor air quality as a factor in the onset of dementia. The premature mortality rates for cardiovascular, respiratory diseases and cancer are given below. It is important to note that other lifestyle factors such as smoking, etc. do influence these figures.

Premature (under 75 years) mortality rates from all cardiovascular disease of 90.3 per 100,000 as compared to 70.4 per 100,000 for England; of this 36.7 per 100,000 were considered preventable.

Premature (under 75 years) mortality rates from respiratory disease of 54.3 per 100,000 as compared to 34.2 per 100,000 for England; of this 38.9 per 100,000 were preventable.

Premature (under 75 years) mortality rates from cancer of 155.5 per 100,000 as compared to 129.2 per 100,000 for England; of this 76.0 per 100,000 were preventable.

AIR QUALITY MONITORING IN WHITBURN

South Tyneside Council claim to monitor Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀) and (PM_{2.5}) using continuous monitoring stations and non-continuous diffusion tubes; to ensure that there are no exceedances of national air quality and EU limit and target values.

Nitrogen Dioxide (NO₂) levels are measured in East Street, Whitburn near the Jolly Sailor PH by a diffusion tube that is left out for set periods of time, monthly or time specified if longer than a month. Diffusion tubes do not give real time data, but they do provide an indication of whether further investigation into air quality is required in an area. The concentration may be higher during peak traffic flows. The figures provided are the raw data concentrations for the period of time that the diffusion tubes are left at the location. (All measurements are in µg/m³). The national annual average objective level for NO₂ is 40 µg/m³ per cubic metre.

DT1

2016 30.0	2017 25.9	2018 24.3	2019 24.9	2020 20.9
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There is no measurement of Particulate Matter (PM₁₀) and (PM_{2.5}) taking place in Whitburn

POSITION OF EAST STREET, WHITBURN DIFFUSION TUBE.

² 2021 Air Quality Annual Status Report (ASR)

WHITBURN NEIGHBOURHOOD FORUM

There are concerns regarding the position of the diffusion tube. Defra guidance advises that diffusion tubes should be placed at breathing height. This tube is placed at a height of 2.3m. It is on the pavement on the other side of the road to traffic queueing at traffic lights, avoiding the fumes from stationary traffic. It is situated to the South of Eastfields and thus avoids the traffic congestion that occurs in the centre of Whitburn Village.

X OS Grid Ref (Easting) 440,822

Y OS Grid Ref (Northing) 561,822



WHITBURN NEIGHBOURHOOD FORUM

Air pollution report for Whitburn

Pollutant one: PM2.5

At this address, the annual average of PM2.5 is 6.76mcg/m3. The World Health Organization limit is 10mcg/m3.

However, there is no healthy limit of PM2.5. These particles, which are less than 2.5 micrometers in diameter, can cause asthma, respiratory inflammation and jeopardize lung functions.

Pollutant two: PM10

The reading for PM10 at this address is 11.79mcg/m3. The W.H.O. limit is 20mcg/m3.

There is no healthy limit of PM10.
Exposure to PM10 affects lung development in children.

Pollutant three: NO2

The reading for NO2 at this address is 21.87mcg/m3. The W.H.O. limit is 40mcg/m3.

However, exposure (for a year or more) to 30mcg leads to a 5.5% increased risk of disease related mortality.

RECOMMENDATIONS - LOCAL PLAN POLICY - AIR QUALITY POLICY

The diffusion tube at Whitburn (and those elsewhere in the borough) is badly sited as it avoids the heaviest traffic fumes and is set at a height that is not commensurate with breathing height. The results produced cannot be relied upon to reflect the air pollution that exists in the Village. There is no measurement of Particulate Matter (PM10) and (PM2.5) taking place in Whitburn. **The measuring system is not fit for purpose.**

Due to the proposal to build an extra 396 houses bringing with it a 17 % increase in traffic there is a requirement to produce an Air Quality Assessment before any developments take place in Whitburn under the following provisions:

- Where there would be an increase of 50 parking spaces within an AQMA or 100 spaces elsewhere.
- Development in excess of 100 dwellings or 10,000 square metres floorspace (or an equivalent combination)
- Where a development would lead to a minimum 5% increase in traffic within an Air Quality Management Area (AQMA), Clean Air Zone (CAZ) or 10% elsewhere.

WHITBURN NEIGHBOURHOOD FORUM

LOCAL PLAN POLICY RE TRAFFIC AND CLIMATE CHANGE

Policy SP17: Climate Change

To meet the challenge of mitigating and adapting to the effects of climate change, a comprehensive approach to delivering sustainable development and reducing carbon emissions is required. This will be achieved by:

Facilitating a modal shift in transport by maximising the ability to make trips by public transport, sustainable and active modes of transport.

NATIONAL PLANNING POLICY FRAMEWORK

Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- a) the potential impacts of development on transport networks can be addressed.
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated.
- c) opportunities to promote walking, cycling and public transport use are identified and pursued.
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed, and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
- e) patterns of movement, streets, parking, and other transport considerations are integral to the design of schemes and contribute to making high quality places.

VEHICULAR TRAFFIC IN WHITBURN

Since 1949 motor vehicle traffic in the UK has increased more than ten-fold from 28.9 to 328.1 billion vehicle miles, largely driven by steady growth in car traffic.

Cleadon Lane, Moor Lane, Lizard Lane and the A183 are the principal routes in and out of Whitburn and these remain largely unchanged since the end of World War 2. These routes have had to endure the ten-fold increase in motor vehicle traffic including the HGVs that thunder through the village from the quarry and the constant stream of traffic that travels through the centre of Whitburn daily from Sunderland to South Shields and back.

CAR OWNERSHIP IN WHITBURN

Presently in the North-East there are 1.1 cars per household.³

We currently have 2545 households in Whitburn equating to 2799 cars. An extra 397 homes would give us an extra 436 cars equating to 3235 cars travelling in and out of Whitburn. This represents a further self-

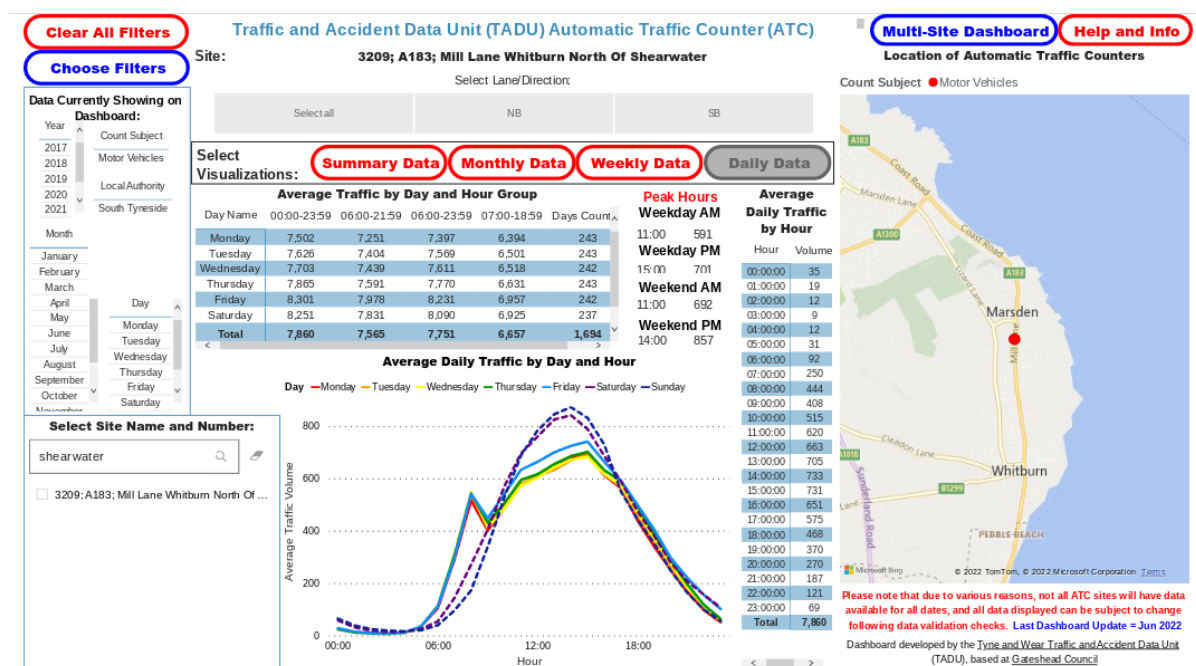
³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/619902

WHITBURN NEIGHBOURHOOD FORUM

generated 17% increase in domestic traffic on roads that were built in the mid twentieth century. This will increase noise, congestion, and air pollution with an increased risk of road traffic collisions.

Whitburn has an automatic traffic counter at Mill Lane in the north of the village⁴. This shows that the daily average is 7,860 motor vehicles travelling through the village. There are clear peaks, for instance on an average week day there is a peak at 15:00hrs (690 motor vehicles). The largest peak is on a Sunday, with 872 vehicles at 14:00hrs (11% of the total number of vehicles). Congestion / traffic queues are observed regularly during these peak times by residents.

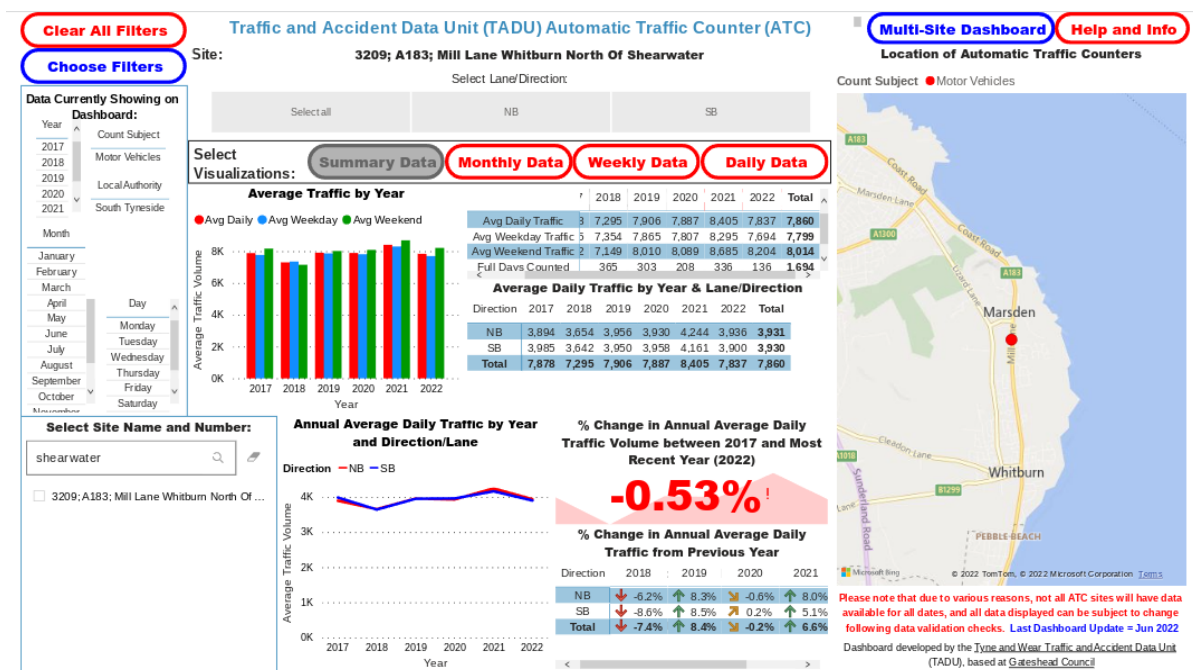
The daily Traffic Data is shown below



Weekly Data

4
<https://app.powerbi.com/view?r=eyJrIjojOTliZTJmNDgtOWM4Yi00ZjhLWE3YzEtYjNhMDNiYmVjZmRkIiwidCI6IjA5ZmJiOTc5LTQzMTEtNGQyMS05Y2I2LUU1ODgxMTE2OWNkOCJ9>

WHITBURN NEIGHBOURHOOD FORUM



RECOMMENDATIONS - LOCAL PLAN POLICY RE TRAFFIC AND CLIMATE CHANGE

Transport Assessments / Statements, and Travel Plans ⁵

The plan to build 396 homes in a village with no local employment facilities, no direct link to the Metro system and no nearby large retail facilities will produce a commuting community that will add to traffic volumes and thus increase vehicle fumes adding to climate change.

There needs to be an assessment of how the extra vehicles will impact on the local area and how a modal shift in transport by maximising the ability to make trips by public transport, sustainable and active modes of transport can be achieved.

For new development, changes of use and alterations to existing buildings, the transportation and accessibility outcomes of development needs to be set out as part of a planning application. This information is used to assess the suitability of the development and to ensure it is in accordance with policy and other related guidance.

Where a development is likely to have significant transportation implications, a Transport Assessment (TA) and Travel Plan (TP) should be prepared. In some instances, The TA may be downgraded to a Transport Statement (TS). These documents are used to determine whether the impact of the development is acceptable, in highways and transportation terms.

For a development of dwelling houses above 80 units a TA and a TP are required. For between 50 and 80 units a TS and TP are required.

We recommend, due to the increase in traffic in Whitburn over the last 60 years (with no commensurate improvement in the road infrastructure) and due to the proposed increases in levels of car ownership

⁵ [https://www.southtyneside.gov.uk/media/9861/Validation-of-Planning-Applications-in-Tyneside-2019-version-1-February-2019-.pdf/Validation of Planning Applications in Tyneside \(Feb. 2019\).pdf](https://www.southtyneside.gov.uk/media/9861/Validation-of-Planning-Applications-in-Tyneside-2019-version-1-February-2019-.pdf/Validation%20of%20Planning%20Applications%20in%20Tyneside%20(Feb.%202019).pdf)

WHITBURN NEIGHBOURHOOD FORUM

(that will result from the proposed increase in population in the Draft Local Plan) a comprehensive Transport Assessment (TA) and Travel Plan (TP) unique for Whitburn should be prepared before any development levels are agreed.

13. EDUCATION PROVISION IN WHITBURN.⁶

LOCAL PLAN POLICY 51: SOCIAL AND COMMUNITY INFRASTRUCTURE

To ensure that social and community infrastructure, including education, meets the Borough's evidenced needs, development proposals will be required to:

- Set land aside for the provision of social and community infrastructure, where there **IS** an identified need or, where appropriate, provide an equivalent financial contribution
- Where a need for additional school places is identified because of pressure on places from development, either individually or because of multiple developments within an area, requests for S106 contributions will be made.
- If the scale of a development means that demand for school places cannot be met through the expansion of existing schools or academies a S106 contribution may be sought to include land needed to develop a new school in addition to the associated capital costs of establishing the school. Alternatively, the Council may request the developer to provide the land and construct and equip a new school.

NATIONAL PLANNING POLICY FRAMEWORK

It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive, and collaborative approach to meeting this requirement, and to development that will widen choice in education.

They should:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

CURRENT EDUCATIONAL PROVISION IN WHITBURN

There are three schools in Whitburn providing primary and secondary education.

Recent intake figures are as follows:

⁶ <https://www.southtyneside.gov.uk/article/36365/Primary-infant-and-junior-school-admissions>

WHITBURN NEIGHBOURHOOD FORUM

	Whitburn Primary	Marsden Primary	Whitburn Academy
Intake/year.	30	30	205
Applications	53	48	464
Places taken.	25	26	206

These figures demonstrate that the current schools provision in Whitburn will not be able to cope with a 22% increase in population as proposed in the Draft Local Plan.

RECOMMENDATIONS - POLICY 51: SOCIAL AND COMMUNITY INFRASTRUCTURE

The present education provision in Whitburn is inadequate to deal with any increase in student population and South Tyneside Council should request the developer to provide the land and construct and equip a new school.

A suggestion is to build such a new school on the 'Charley Hurley' site and transfer the school population from Whitburn Primary to the new , larger school. This would free up the land that Whitburn Primary presently occupies for development.

14. MEETING THE CHALLENGE OF CLIMATE CHANGE, FLOODING, AND COASTAL CHANGE

The Local Plan devotes a lot of information about how they intend to deal with wastewater with specific reference to roles and responsibilities.

Roles and Responsibilities

7.32 Local Planning Authority (LPA)

As part of the planning application process the LPA consults with the Lead Local Flood Authority and Northumbrian Water (the water and sewerage undertaker for South Tyneside Council) on a range of development proposals that require a connection to the sewerage network.

7.33 Lead Local Flood Authority (LLFA)

Under the Flood and Water Management Act 2010, LLFAs are required to undertake a statutory consultee role providing technical advice on surface water and ground water flooding to LPAs on major developments (10 dwellings or more).

7.34 Northumbrian Water Ltd (NWL)

WHITBURN NEIGHBOURHOOD FORUM

Northumbrian Water's role as water and sewerage undertaker, in the planning and development process is to:

- Provide a system of public sewers to ensure effective drainage
- Manage the adoption of sewers serving new development sites, including sustainable storm water storage systems
- Engage with the LPA when introducing new or revised long term special planning policies that ensure there will be sufficient capacity within their systems to meet anticipated flows from future developments
- Manage the Whitburn Long Sea Outfall, ensuring discharges during wet weather maintains water quality in accordance with the Bathing Water Directive and remains in compliance with the discharge permit at this location.

7.35 Environment Agency (EA) -

The EA are a statutory consultee providing advice to the LPA for planning applications within 20m of a main river. They regulate Northumbrian Water Limited's discharge at the Whitburn Long Sea Outfall against a permit to discharge, which contains conditions that must be complied with to ensure there is no breach of environmental laws. The EA also has responsibility for assessing the quality of designated bathing waters under the Bathing Water Directive and monitors the performance of the Whitburn scheme, following the requirement of The European Court of Justice. This data is reported back to the European Commission via Defra.

Disposal of Foul Water Policy 10:

Disposal of Foul Water

1. Development shall utilise the following drainage hierarchy:

- i. Connection to a public sewer
- ii. Package sewage treatment plant, which can be offered to the Sewerage Undertaker for adoption
- iii. Septic tank

2. Development involving the use of non-main methods of drainage (including septic tanks/cesspits) will not be permitted in areas where public sewerage exists

3. Development of new or extensions/ improvements to existing wastewater, sludge, or sewage treatment works, will be supported unless the adverse impact of the development significantly outweighs the need for greater capacity

4. Where the development involves the disposal of trade effluent, a foul Water Management Plan/ drainage assessment will be required to demonstrate how the disposal of foul water is undertaken following the disposal hierarchy. This shall include a trade effluent consent if connected to the sewerage system. Trade effluent is any liquid produced by the operations of any trade or industry including car washes.

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7.36 The LPA must be satisfied that there is sufficient capacity within the existing sewer network before granting planning permission to a development that will impact on that capacity. However, it is the responsibility of NWL to ensure that there is sufficient capacity. NWL is a statutory consultee for planning applications. In assessing whether there is sufficient capacity, the LPA relies on the professional advice provided by NWL.

7.37 The Environment Agency is the regulator for licensing abstractions, pollution control and the quality of the water environment, whilst NWL is responsible for water services and sewerage. The Council has been working closely with the Environment Agency and NWL and will continue to collaborate with these agencies and other infrastructure providers to inform future decision making.

NATIONAL PLANNING POLICY FRAMEWORK

The Local Plan is a strategic document

20. Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for:

- a) housing (including affordable housing), employment, retail, leisure and other commercial development;
- b) infrastructure for transport, telecommunications, security, waste management, water supply, **wastewater**, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- c) community facilities (such as health, education and cultural infrastructure); and
- d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.

REBUTTAL OF ASSERTIONS MADE IN THE LOCAL PLAN

It is the duty of the Local Planning Authority to ensure there is sufficient wastewater collection and treatment capacity. Northumbrian Water Limited does not make planning decisions, that is the role of the LPA.

Northumbrian Water's role in the planning and development process is as a statutory consultee. They will be shown to be unreliable as a consultee.

The EA are a statutory consultee and regulate Northumbrian Water Limited's discharge at the Whitburn Long Sea Outfall against a permit to discharge. They will be shown to have failed in their duty to regulate.

We will provide evidence that demonstrates there is, at this time, insufficient wastewater collection and treatment capacity to deal with the present population of the borough and increasing the population will lead to an increase in sewage pollution.

South Tyneside Council have also previously been supplied with a legal opinion which challenges the assertion that the **LPA has to rely on the professional advice provided by NWL (embedded below)**

WHITBURN NEIGHBOURHOOD FORUM



Legal Opinion
Sewage.docx

I would draw your attention to the following paragraphs:

From a legal perspective I would note that any evidence submitted to the LPA that contradicts Northumberland Water's assertions regarding sewerage capacity is likely to be a material consideration that cannot be disregarded by the LPA for the purposes of deciding whether to grant planning permission (although the weight to be given to that evidence is of course a matter of the LPA's planning judgment). I also note that wastewater treatment capacity in general is clearly a material planning matter.

I would also add that the fact that the European Commission takes the view that the UK has not complied with Case C- 301/10 in respect of Whitburn is also a material planning consideration, which the LPA is not entitled to ignore in its consideration of proposed new developments that will impact on the local sewerage network.

NORTHUMBRIAN WATER LIMITED AS A CONSULTEE TO THE LOCAL PLAN

Northumbrian Water, as a consultee to planning applications in the borough, have a history of consistently asserting that they have the wastewater treatment capacity to cope with the extra wastewater flows any new development will create. They do not provide any data or evidence that corroborates such a claim. They increase their profits by charging for new connections to their sewer network and have a resultant increase in profits from the water and sewerage rates they charge new customers. Their decisions and the advice they give to the LPA are based only on increasing their profits. They are an unreliable consultee.

On July 15th 2022 Forbes reported that New York-listed investment giant KKR has reached a deal to invest £867 million (\$1 billion) for a minority stake in Northumbrian Water Group, which is jointly owned by several listed companies within CK Group, the business empire of Hong Kong billionaire Li Ka-shing.

Li Ka-shing is one of many who have been identified as using the English water companies as a lucrative form of growing even wealthier, as the NAO highlights

Major investors have gained access to an annual harvest of guaranteed money and assets to borrow against (**National Audit Office Report 2018**)

No wonder multinationals see this company (NWL) as a cash cow, guaranteed to generate profits from the water rates paid by captive customers whilst the companies are allowed to break environmental laws with impunity.

As an example, in response to the recent Cleadon Lane Industrial site application for 196 new homes (reference ST/1109/21/FUL) the response from NWL to the application simply says

The Sewage Treatment Works to which this development finally discharges to is able to accept the additional flows.

They provide no data to substantiate this assertion. They stand to make around £98,000 in new connection charges from this proposed development and around £80,000 a year in perpetuity from the charges they make to these new customers. They can achieve this without investing in their

WHITBURN NEIGHBOURHOOD FORUM

infrastructure as the wastewater they do not have the capacity to treat they simply discharge into the local marine environment.

NWL also does not comment on whether the additional flows will cause issues with the sewage collection system and the storm interceptor tunnel at Whitburn and if the Whitburn sewage discharge permit can accommodate these extra flows. The extra 196 homes will create an extra 60 tonnes of sewage a day, that is 60,000 litres a day.

NWL can accept the flows because they are able to dump the flows by discharging them untreated out to sea. They do not state that they 'treat' the flows.

In the normal course of events i.e. when it rains, the Whitburn long sea outfall (LSO) is the primary source of untreated sewage discharges for Whitburn, Cleadon and East Boldon and is used to pump untreated sewage out to sea from the Whitburn 'stormwater' interceptor tunnel.

The Whitburn LSO is governed by permit 245/1207 and is reported to have discharged 31 times for 119 hours in 2021.

The LSO is unique in that volumes of the discharge are also measured and in 2021 the 31 reported 'spills' resulted in a record 821,088.00 tonnes of untreated sewage being discharged into the environment

All the combined flows of sewage from this development (ST/1109/21/FUL) go directly to the Whitburn sewage system via the nominated connection at manhole 2802 at the junction of Cleadon Lane / Whitburn Road.

NWL, in 2017, built a holding tank behind Morrisons at Seaburn to hold back increasing flows from the East Boldon / Cleadon area due to insufficiencies in sewage treatment and collection capacity. This holding tank has overflowed on occasion and the extra volumes from this proposed development, especially at the wake-up hours of the day, will add to the pressure on a system that is not coping now.

There is evidence to suggest that NWL have made another illegal connection from this storage tank to the storm interceptor tunnel. The primary function of the tunnel is to store stormwater. The connection introduces flows of foul sewage to the tunnel. This connection is not identified as one of the overflows in the conditions of the Whitburn discharge permit and so is illegal.

I would also draw your attention to the routine return on a daily basis of high volumes of untreated sewage from the Whitburn storm interceptor tunnel to the foul sewage system

- The early 2021 daily return flows of raw foul sewage show over 500 tonnes of undiluted raw sewage is regularly pumped from the Whitburn interceptor tunnel on dry days back to the foul sewer system.

This shows the Whitburn interceptor tunnel is being used on a daily basis to collect and store foul sewage as though it is part of the foul sewer network - this was never the intended purpose of the tunnel and, I understand, breaches the planning consent for the Whitburn Long Sea Outfall pumping station which I understand only allows for the discharge of stormwater to sea. If the planning application was for discharge of stormwater, then a change of use application to allow discharge of foul sewage is required.

The daily return flows of raw foul sewage from the Whitburn interceptor tunnel to the foul sewer system in dry weather show that either:

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1) One or more of the CSOs connected to the tunnel is discharging undiluted raw foul sewage on a daily basis, in violation of the existing permit; or

2) There have been one or more illegal connections made from the foul sewage system to the tunnel since it was first built (apart from the illegal connection which has been identified and which is subject to a CAR) which NWL has failed to disclose to the regulator, also in violation of the permit.

In using the tunnel as a foul sewage retention tank during dry weather NWL shows a total disregard of the permit which only allows discharges into the tunnel as a result of heavy rainfall or snowmelt. They cannot be regarded as a reliable consultee.

It must also be noted that the Whitburn system is currently subject to a Compliance Assessment Report after NWL constructed an illegal connection to the sewage system in 2015. Since the illegal connection was made an extra 100,000 tonnes of untreated sewage has been discharged at Whitburn on average each year culminating in a record 820,000 tonnes of untreated sewage being discharged into the protected marine areas in 2021. The sewage collection and treatment system at Whitburn is not fit for purpose.

Northumbrian Water limited failed to report to the Environment Agency that they had constructed this illegal connection in 2015. They are not a reliable consultee.

On 18 November 2021, the Environment Agency and Ofwat announced major investigations into potential widespread non-compliance by water and sewerage companies at sewage treatment works (STW). More than 2200 sewage treatment works (STWs) spanning all water and sewerage companies in England will be scrutinised by EA experts. One of the STWs under investigation has been identified as the Hendon STW which is supposed to treat the sewage from a large part of South Tyneside. This is a criminal investigation and as such must be conducted in accordance with criminal rules and procedures.

OFWAT said on Wednesday 9th March 2022 it had started enforcement cases against Northumbrian Water Limited. The inquiry came after evidence that the scale of illegal discharges of raw sewage could be 10 times higher than disclosed by the firm.

NWL are also suspected to be in breach of Section 94, Water Industry Act 1991 which stipulates that It shall be the duty of every sewerage undertaker

a) to provide, improve and extend such a system of public sewers (whether inside its area or elsewhere) and so to cleanse and maintain those sewers as to ensure that that area is and continues to be effectually drained.

Discharging untreated sewage into our waterways cannot be said to be a proper way of ensuring that our area is and continues to be effectually drained.

NWL are routinely breaching the discharge permits at Hendon and Whitburn. This is in contravention of Environmental Protection law which in England And Wales is enforced through the Environmental Permitting (England and Wales) Regulations 2010

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Sec 12 of the Environmental Permitting (England and Wales) Regulations 2010 sets out the requirement for an environmental permit

(1) A person must not, except under and to the extent authorised by an environmental permit—

(a) operate a regulated facility; or

(b) cause or knowingly permit a water discharge activity or groundwater activity.

The ocean is suffering, residents are paying for services they do not receive and NWL are making millions in profits that are paid to shareholders each year rather than investing in the infrastructure required to serve a growing population.

Northumbrian Water Limited fails in its role as a sewage undertaker and is not a reliable consultee. The LPA must not rely solely on the advice provided by NWL.

THE ROLE OF THE EA

The Environment Agency is the regulator for licensing abstractions, pollution control and the quality of the water environment.

They have failed in their duty to regulate sewage discharge permits at Whitburn and cannot be relied upon to advise the LPA on wastewater treatment and pollution control

The following information in the Local Plan is misleading

The EA also has responsibility for assessing the quality of designated bathing waters under the Bathing Water Directive and monitors the performance of the Whitburn scheme, following the requirement of The European Court of Justice. This data is reported back to the European Commission via Defra.

The requirement of the European Court of Justice was that the Whitburn system was brought into compliance with the Urban Wastewater Treatment Directive, not the Bathing Water Directive. The data regarding the performance of the Whitburn scheme was last reported back to the European Commission in October 2020, The European Commission looked at the data and decided that the Whitburn system, despite remedial work, was still not in compliance with the Urban Wastewater Treatment Directive. This is also a material planning consideration, which the LPA is not entitled to ignore in its consideration of proposed new developments that will impact on the local sewerage network.

The EA accepts NWLs assertion that 500 tonnes of foul sewage entering the storm interceptor tunnel each day is groundwater ingress. This cannot be so, especially when there is no rain. The tunnel was not built of bricks like the Victorian parts of our sewage system. It was built in modern times, using modern materials consisting of sections of prefabricated concrete. There is something seriously amiss if the EA claims that sections of these prefabricated concrete structures have failed and allow groundwater to pour into the tunnel at a rate of 500 tonnes a day on dry days. The construction company should be sued.

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We also advise that you pay no heed to the claims that bathing water results generated by the EA are excellent. The bathing water testing system has been shown to be a sham as the EA in our area only takes bathing water samples on dry days, thus avoiding pollution incidents. The EA are taking the local authorities for fools and risking harm to public health by operating a bathing water testing regime that is not fit for purpose.

The EA failed to regulate the Whitburn discharge permit as it was not aware of the illegal connection made in 2015 for over 6 years.

In 2021 a report was made to the EA that NWL had made an illegal connection to the sewage system at Whitburn in 2015. The EA initially discounted these concerns and did not uphold the complaint. The complaint was escalated before appropriate action was taken and a Compliance Assessment Report was issued against NWL for making the illegal connection.

The EA gave NWL a warning. NWL then challenged the CAR which was withdrawn and the warning rescinded,

Legal advice was obtained, and a legal Pre Action-Protocol letter was sent to the EA. The CAR was then reinstated but NWL have so far not complied. The EA is not consistent in their use of their regulatory powers.

Similarly, the discharge figures provided by NWL to the EA for Hendon Sewage Treatment Works were challenged. These concerns were discounted by the EA and the complaint was once more escalated.

NWL were required to revisit their discharge figures and incredibly increased them by 4,000%.

A set of figures for Whitburn long sea outfall discharges were supplied by the EA and were discovered to be inaccurate by 10%. These figures were eventually corrected by the EA but not before they had sent them to the National Audit Office.

These examples of the EAs failings demonstrate that the EA cannot be relied upon to advise the LPA on wastewater treatment and pollution control they have failed to regulate Northumbrian Water Limited's discharge at the Whitburn Long Sea Outfall against a permit to discharge, which contains conditions that must be complied with to ensure there is no breach of environmental laws.

THE PERFORMANCE OF THE WHITBURN SEWAGE SYSTEM AND LONG SEA OUTFALL

The Whitburn sewage system has a history of noncompliance with environmental law on wastewater treatment going back over 25 years:

Summary of data on spill events and volumes at Whitburn

Year	Frequency of 'spills' at Whitburn			Total volume spilled to sea(m3)	Rainfall (mm)
	Pump operations	12 Hour Rule *	24 Hour Rule *		
1997	208			295,200	271.5

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1998	487			717,570	750.7
1999	285			709,290	624
2000	117			367,290	426
2001	310			561,240	
2002	67	26	22	359,640	663.2
2003	56	23	20	387,450	692.6
2004	110	37	24	530,100	693.8
2005	96	27	21	542,070	693.8
2006	51	23	20	248,130	521.2
2007	75	25	23	478,620	529.4
2008	108	42	37	744,660	742
2009	93	34	27	762,300	609.8
2010	73	39	31	548,37	711
2011	11	9	9	163,620	503
2012	83	43	32	703.62	888
2016	61		19	624,600	
2017	50		19	569,221	
2018	43		17	376,593	553
2019	75		26	760,993	749.8
2020	65		23	460,399	610.6
2021	122		31	821088	661

In 2020 the UK authorities submitted figures to the EC for discharges from the Long Sea Outfall at Whitburn that indicated that 14,9557.50 tonnes of untreated wastewater were discharged into the North Sea in the first 6 months of 2020. This was a relatively light total volume of discharges considering the history of discharging at Whitburn.

The UK Environment Agency states that:

discharge from the Whitburn LSO can only be triggered by high amounts or intense rainfall or from snowmelt. Whitburn LSO will only operate once rainfall has exceeded the capacity of the sewers and then exceed the operating capacity of the interceptor tunnel. It requires enormous volumes of rainfall to trigger the discharge.

This statement is roughly in line with the view of the European Court of Justice who in 2012 found that failure to treat urban wastewater cannot be accepted under usual climatic and seasonal conditions, as otherwise Directive 91/271 would be rendered meaningless.

The EA have supplied the 15-minute interval rainfall figures for the area (From the weather station at Fulwell) that feeds into the Whitburn Wastewater collection system for the first 6 months of 2020.

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These were plotted against the periods of rain and the discharge figures for the Long Sea Outfall at Whitburn.

Date	Hours of Rainfall	Rainfall total mm	Average Rainfall per Hour	Volume discharge m3	Volume m3 per 1 mm rain
09/01/2020	12.75	14.8	1.16	17850	
09/02/2020	16	18	1.12	22869	
13/02/2020	10.5	10.6	1	10650	
15/02/2020	19.75	19.4	0.98	55993.5	
24/02/2020	6	11.4	1.9	22209	
12/06/2020	17.5	18.2	1.04	19986	
	82.5	92.4	1.2	149557.5	1618

The UK Met office use the following parameters to describe rainfall

Slight = less than 0.5 mm/hr

Moderate = 0.5 to 4 mm/hr

Heavy = more than 4 mm/hr

Rain fell during the first 6 months of 2020 (leading up to and during discharge operations) for a total of 82.5 hours.

The maximum hourly rainfall fell on 15/02/20 between 17.45 and 18.45 when 5mm of rain fell. (Heavy rainfall).

15/02/2020 17:45:00 1.2mm

15/02/2020 18:00:00 1.8 mm

15/02/2020 18:15:00 0.4 mm

15/02/2020 18:30:00 1.6 mm

This is the only hour of the 82.5 hours when the rain could be classed as heavy.

The average rainfall during these 82.5 hours was 1.20 mm per hour. (Moderate rainfall)

For every 1 mm of rain that fell, 1,618 tonnes of untreated wastewater were discharged into the North Sea

No data is provided by the authorities to substantiate their claims that sewage discharges are heavily diluted. Once they reach the sea/ ocean they will become heavily diluted but by that time the damage is done.

As the rainfall causing the discharges is, at most, mainly moderate, then the discharges cannot be heavily diluted. The flows that continue to be treated at the STW during the same period that discharges are taking place from combined sewer overflows are generally the same level of dilution as the discharges. If the authorities were confident that the flows in the sewer system (which, during rainfall,

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form a homogenous sewage soup) were as highly diluted as they claim, then why do they continue to treat the flows that arrive at the treatment works at that same time?

There were no storms taking place during these discharges, only normal, moderate rainfall.

This can hardly be said to be in line with the UWWTD. The system cannot cope with moderate rainfall.

As has been proved with the illegal connection, added flows from the proposed level of development in the Local Plan will increase the volumes of untreated sewage discharges at Whitburn, which was declared non-compliant with the Urban Wastewater Treatment Directive in 2012 and remains in breach of the Urban Wastewater Treatment Regulations (UWWTR) today.

The objective pursued by UWWTR goes beyond the mere protection of aquatic ecosystems and seeks to conserve man, fauna, flora, soil, water, air and landscapes from any significant adverse effects of the accelerated growth of algae and higher forms of plant life that results from discharges of urban wastewater.

The purpose of the Urban Wastewater Treatment Regulations is to ensure a high level of environmental protection. It would be absurd to accept that untreated wastewater may be discharged into the environment as a matter of course, in the absence of exceptional circumstances, simply because a collecting system or a treatment plant has been designed with insufficient capacity.

THE PERFORMANCE OF THE HENDON SEWAGE TREATMENT WORKS

Of equal concern, during 2021, Hendon Sewage Treatment Works (STW) is reported to have 'spilled' 116 times, amounting to 565 hours. This is the STW for Cleadon, Whitburn and East Boldon and is spilling when there is little or no rain.

Although the volumes are not measured, this STW is discharging millions of tonnes of untreated sewage each year. It must also be noted that Hendon STW also has 2 x Quay Wall overflows (which have no event duration monitors fitted) which will also add to the volumes of untreated sewage discharges. The 'spills' from these overflows are not measured at all.

There exists limited data on the capacity of the Hendon Sewage Treatment works. From the data that does exist it can be shown that light rainfall causes the Hendon Sewage Treatment works to overflow and routinely discharge untreated wastewater directly into the North Sea via the 310 m overflow pipe.

Between 7th May and 2nd October 2003 measurements of the volumes of discharges from the 310 m overflow pipe were recorded using a flow monitor. These measurements have been compared with rainfall for the period and the following summary prepared.

The total volume of untreated wastewater discharged into the North Sea during the monitoring period (149 days) was 418,184.9 tonnes. Discharges happened on 39 separate days.

During the 149 days that flows were measured rainfall was recorded as falling on 66 days. The total volume of rainfall was a moderate 234.8 mm and there were 28 days of the 66 days of rainfall when rainfall for the whole day was recorded at less than 1 mm. Rainfall over 1 mm per day was therefore recorded as falling on 38 days.

More recently the performance of the Hendon STW has been subject to scrutiny by Professor Peter Hammond (He is a mathematician with current visiting research posts at the UK Centre for Ecology &

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Hydrology (2018-20) and Dept. of Human Genetics, Leuven University, Belgium (2017-21). He has previously been called upon to give evidence regarding sewage pollution at the Environmental Audit Committee at the Houses of Parliament

Professor Hammond has prepared a report that shows that the Hendon Sewage Treatment works is operated by NWL in contravention of the discharge permit as he has identified 30+ illegal early spills.

It is obvious that the Hendon STW is operating at capacity during dry weather and cannot cope when it rains. The added flows from this proposed development in the Local Plan are also likely to end up discharged untreated into the sea.

THE PERFORMANCE OF THE HOWDON SEWAGE TREATMENT WORKS

The Howdon STW deals with the flows from the rest of South Tyneside. Sewage is pumped to this STW via pipes that run through the Tyne Tunnel.

In 2021 the following discharge figures were reported for Howdon

Howdon STW CSO – 162 times amounting to 2087 hours.

Howdon STW North Bank CSO – 86 times amounting to 882 hours.

Howdon STW South Bank CSO – 136 times amounting to 1427 hours.

It is amazing how Northumbrian Water are able to charge people for treating wastewater and then casually dump it untreated into the environment.

PUBLIC OPINION AS A MATERIAL PLANNING CONSIDERATION

Public opinion, if justified, is also a material planning consideration. I draw your attention to the petition to Stop Sewage Pollution at Whitburn which has gathered over 1,130 local signatures. <https://bit.ly/3QgVAD4>

PROTECTING WATER QUALITY -POLICY

The quantity and quality of surface and groundwater bodies shall be protected and where possible enhanced.

Development will not be permitted where it would have an adverse impact on water dependent Sites of Special Scientific Interest (SSSIs) and European sites.

The reason why it is important in South Tyneside that there is sufficient wastewater collection and treatment capacity is because we are fortunate to have the following protected sites as part of our coastline:

Ramsar sites, Northumbria Coast Special protection Area and the Durham Coast Special Area of Conservation

THE NATIONAL PLANNING POLICY FRAMEWORK affords a greater level of protection to these habitats:

The following should be given the same protection as habitats sites:

a) potential Special Protection Areas and possible Special Areas of Conservation;

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b) listed or proposed Ramsar sites; and

c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

EVIDENCE OF SEWAGE POLLUTION IN THE BOROUGH

South Tyneside has at least 63 Combined Sewer Overflows (CSOs), operated by NWL, that routinely discharge untreated sewage into the River Don, the River Tyne and the North Sea. In 2020 the number of 'spills' from these amounted to 1197 and they discharged for 6,337.2 hours in total. You must bear in mind that not all CSOs are monitored and some of the data supplied by NWL has been proved to be inaccurate previously so the totals may be higher.

The figures provided by NWL to the Environment Agency (EA) for discharges from the Hendon STW for 2019 to 2020 were challenged. The hours of discharge that were supplied in the annual report by NWL to the EA for 2019 to 2020 were 15 hours and 52 minutes. The EA went back to NWL who revisited their figures. The figure has now been amended to 646 hours, a 4,000% increase.

In 2021 the South Tyneside CSOs 'spilled' 1614 times for 14,046.75 hours, a 120% increase. This is all the more remarkable as rainfall data supplied by the EA shows average rainfall in 2020 to be 610 mm which increased by a modest 11 % to 661 mm in 2021. The fact is the sewage infrastructure cannot cope now due to the lack of investment.

The CSOs are regulated by environmental permits regulated by the Environment Agency which allow discharges to take place during heavy rainfall or snowmelt. The CSOs in the South Tyneside area are discharging in light to moderate rainfall,

All of this sewage flows into the River Don and River Tyne eventually flowing to the Ramsar sites, Northumbria Coast Special protection Area and the Durham Coast Special Area of Conservation

SEWAGE POLLUTION IN SOUTH TYNESIDE FROM NWL ASSETS

Embedded below is a table of the spills per year



SEWAGE
POLLUTION IN SOUTH

PUBLIC HEALTH IS A MATERIAL PLANNING CONSIDERATION.

EFFECTS OF SEWAGE POLLUTION

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In this age of declaring ocean emergencies, It is important to recognise that sewage pollution harms the marine environment due to a myriad of causes including the fact it contains high levels of microplastics, Sewage also includes all the drugs and bugs that we have, including chemotherapeutic drugs and all the chemicals from cleaning products. This all forms a soup which encourages genetic mutation in the bugs which helps them resist the effects of the antimicrobials we have now. The prediction is that in 10 years' time as many as 50 million people will die every year from conditions that we now control but should they gain resistance from the drugs we've got then we are going to be in trouble.

SUMMARY

It is evident from the sewage pollution figures and the ongoing investigations into the performance of Northumbrian Water Limited that tis company cannot be trusted to protect the environment.

Self-regulation and self-reporting by NWL is not working. This company has been shown to allow numerous 'spills' from their assets in both dry weather and in light to moderate rainfall. This behaviour is not permitted as spills are only supposed to take place in exceptional circumstances such as heavy rain or snowmelt.

The Environment Agency are under resourced and admit they are unable to regulate sewage discharge permits in our area.

The risk of harm to our marine environment is significant and this should be recognised in the draft Local Plan.

No large housing developments can be agreed to until plans to improve the sewage treatment infrastructure are also agreed.