

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

2 NOVEMBER 2006

**REPORT OF CORPORATE
MANAGEMENT TEAM**

CABINET DECISION/COUNCIL DECISION

Regeneration and Transport – Lead Cabinet Member – Councillor Cook

STOCKTON-ON-TEES BOROUGH LOCAL DEVELOPMENT FRAMEWORK ANNUAL MONITORING REPORT 2005/2006

1. Summary

This report informs Cabinet Members of the completion of the second Local Development Framework Annual Monitoring Report (AMR), prior to it being submitted to the Secretary of State before the end of December 2006. The AMR also considers which of the existing Local Plan policies require saving beyond September 2007.

2. Recommendations

That Cabinet:-

- 1) note and endorse the second Local Development Framework Annual Monitoring Report
- 2) agree the schedule of policies from the existing Local Plan to be saved/deleted prior to submission to Government Office North East for consideration.

3. Reasons for the Recommendations/Decision(s)

Under the Planning and Compulsory Purchase Act 2004, unless expressly replaced by a “new” policy, “old” policies (adopted local plan and structure plan policies) are saved for three years, from whichever is the later of:

- The date of commencement of Section 38 of the Planning and Compulsory Purchase Act 2004 on 28 September 2004, or
- The date the plan was adopted or approved.

The Secretary of State may make a direction to save policies beyond the three year period. New policies relating to retail issues, flood risk and ground water protection were approved in March 2006 as part of Local plan Alteration No. 1. Therefore, these will remain in force either until March 2009 or they are replaced through the new Local Development Framework. However, the remainder of the Local Plan policies will expire on 27 September 2007 unless the Secretary of State directs otherwise. It is necessary for the Council to submit a list to Government Office North East of policies it wishes to be saved or deleted. Saved policies will continue to form part of the Development Plan for the Borough.

4. Members Interests

Members (including co-opted members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (paragraph 8) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (paragraph 10 of the code of conduct).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting is being held, whilst the matter is being considered; not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (paragraph 12 of the Code).

Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc.; whether or not they are a member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting, and if their interest is prejudicial, they must also leave the meeting room during consideration of the relevant item.

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SUMMARY

This report informs Cabinet Members of the completion of the second Local Development Framework Annual Monitoring Report (AMR), prior to it being submitted to the Secretary of State before the end of December 2006. The AMR also considers which of the existing Local plan policies require saving beyond September 2007.

RECOMMENDATIONS

That Cabinet

- 1) note and endorse the second Local Development Framework Annual Monitoring Report
- 2) agree the schedule of policies to be saved/deleted beyond September 2007, prior to submission to Government Office North East for consideration.

DETAIL

1. Review and monitoring are key aspects of the Government's "plan, monitor and manage" approach to the planning system. They are crucial to the successful delivery of the spatial vision and objectives of the Local Development Framework and should be undertaken on a continuous, pro-active basis. By identifying outputs and trends, these techniques will enable local planning authorities to build a comprehensive evidence base against which local development document policies and implementation mechanisms can be assessed. Regulation 48 of the Town and Country Planning (Local Development) (England) Regulations 2004 requires local authorities to produce an Annual Monitoring Report to assess:
 - the implementation of the Local Development Scheme
 - the extent to which policies in Local Development Documents are being achieved.
2. Annual Monitoring Reports must be based upon the period from 1 April to 31 March, and submitted to the Secretary of State no later than the end of the following December. This report deals with Annual Monitoring Report for 2005/06, which needs to be submitted by the end December 2006.

Monitoring

3. Planning Policy Statement 12: Local Development Frameworks gives guidance to local authorities as to the content of the Annual Monitoring Report. This should include an assessment of:
 - whether policies and related targets and milestones in Local Development Documents have been met or progress is being made towards meeting them or, where they are not being met or not on track to being achieved, the reasons why;
 - what impact the policies are having in respect of national, regional and local policy targets and any other targets identified in Local Development Documents;
 - whether the policies in the Local Development Document need adjusting or replacing because they are not working as intended
 - whether the policies need changing to reflect changes in national and regional policy; and
 - if policies or proposals need changing, the actions needed to achieve this.
4. Regulation 48 specifically requires information to be provided on net additional dwellings. As a means of assessing policy implications, authorities should use trajectories to demonstrate past and likely future performance, and demonstrate how housing policies will deliver housing provision in their area.

Core Output Indicators

5. Under the Local Development Framework guidance, a set of core indicators are included which local authorities are required to address in their Annual Monitoring Report. These indicators have to be collected within a consistent timeframe using a clearly identified set of definitions. Detailed definitions are set out to assist local authorities with this task.

Saved Policies

6. As yet, there are no adopted policies for Stockton Borough under the new Local Development Framework. All policies in the existing Local Plan (1997) were saved for three years following the introduction of the 2004 Act. This means that unless action is taken, these will not be valid after September 2007. An additional task of this AMR is to carry out an evaluation of existing policies, and come to a conclusion as to which need saving beyond 27 September 2007, and which should be deleted. A schedule of policies which should be saved/deleted, together with reasons, is included in the AMR. The policies have been tested against the criteria set out in paragraph 7. However, the saving or deletion of policies needs to be agreed with Government Officer North East following the submission of the AMR, or by submitting information by 1 April 2007.
7. To be saved, policies must
 - Reflect the principles of LDFs
 - Be consistent with current national policy
 - Have a clear central strategy
 - Have regard to the Community Strategy
 - Be in general conformity with RSS
 - Must not simply repeat national or regional policy.

Second Annual Monitoring Report

8. Attached for Members' information is Stockton Borough's second Annual Monitoring Report. This covers the period from April 2005 – March 2006. In the absence of new Local Development Documents which will make up the Local Development Framework, this

monitoring report still focuses on the performance of policies in the existing Stockton-on-Tees Local Plan

9. This Annual Monitoring Report will enable the Council to:
- assess progress towards meeting the targets set out in the Local Development Scheme.
 - strengthen baseline data against which to monitor performance in the future.
 - identify further gaps in the knowledge base, to enable systems to be put in place to collect information required for monitoring.
 - look at the existing Local Plan policies to assess their effectiveness
 - reach a decision on which policies, in the Council's view, should be saved beyond September 2007.
10. *The Annual Monitoring Report which Members have before them is a working draft. Although it is unlikely that the document will change significantly, minor amendments may be required to complete the monitoring report in its final form.*

The Next Steps

11. The Annual Monitoring Report needs to be submitted to the Secretary of State by the end of December 2006.

FINANCIAL AND LEGAL IMPLICATIONS

Financial

12. Failure to meet the agreed deadlines for submission of the Annual Monitoring Report could impact adversely on the amount of Planning Delivery Grant received by the Council.

Legal

13. The Planning and Compulsory Purchase Act 2004 states that every local planning authority must make an annual report to the Secretary of State. This report must be submitted within 9 months of the end of the monitoring period. Failure to produce an AMR would mean that the Council would not have met BVPI 200c, and this would have performance implications for the Planning Service.

RISK ASSESSMENT

14. This (subject matter of report) is categorised as low to medium risk. Existing management systems and daily routine activities are sufficient to control and reduce risk.

COMMUNITY STRATEGY IMPLICATIONS

15. Planning policy is part of the framework which enables the Community Strategy to be implemented Any policies saved after September 2007 must have regard to the Community Strategy (one of the criteria set out in paragraph 7 of this report).

CONSULTATION INCLUDING WARD/COUNCILLORS

16. Not applicable.

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Background Papers Planning and Compulsory Purchase Act 2004
Town and Country Planning (Local Development) (England)
Regulations 2004

Ward(s) and Ward Councillors: N/A

Property: N/A