

AGENDA ITEM

REPORT TO CABINET

25 OCTOBER 2007

**REPORT OF
CORPORATE
MANAGEMENT TEAM**

INFORMATION ITEM

SAVED POLICIES DIRECTIONS: TEES VALLEY STRUCTURE PLAN (2004) AND STOCKTON-ON-TEES LOCAL PLAN (1997).

SUMMARY

This report informs members of the contents of two directions with regard to the “saving “ of Structure Plan and Local Plan policies beyond 27th September 2007, under paragraph 1 (3) of Schedule 8 of the Planning and Compulsory Purchase Act 2004. The “saved” policies will effectively comprise the development plan for the Borough pending the adoption of replacement policy documents through the Regional Spatial Strategy (RSS) and Local Development Framework (LDF).

DETAIL

SAVED POLICIES PROTOCOL.

1. The Planning and Compulsory Purchase Act 2004 provided for the saving of existing Structure Plan and Local Plan policies for a period of 3 years from the commencement of the Act on 28th September 2004. This meant that policies in the adopted Tees Valley Structure Plan (2004) and the Stockton-on-Tees Local Plan were due to expire on 27th September 2007 unless the Secretary of State extended them beyond that date.
2. In August 2006, the Department for Communities and Local Government (DCLG) published a protocol setting out the procedures for applying to the Secretary of State (SoS) to request extensions to policies beyond the 3 year period. The protocol set out the following criteria against which policies were to be assessed for their suitability for saving:
 - There is a clear central strategy,
 - Policies have regard to the Community Strategy,
 - Policies are in general conformity with the Regional Spatial Strategy or spatial development strategy,
 - Policies are in conformity with the Core Strategy where it has been adopted,
 - They are effective policies for parts of the authority area where significant change in terms of development or conservation are envisaged,
 - Policies do not merely repeat national or regional policy.

In addition, the government would have particular regard to policies:

- Which support the delivery of housing including unimplemented site allocations, up-to-date affordable housing policies, policies relating to the infrastructure necessary to support housing,
- On Green Belt,
- Which support economic development and regeneration, including policies for retailing and town centres,
- For waste management, including unimplemented site allocations

- That promote renewable energy reduce impact on climate change and safeguard water resources.
3. The policies in the adopted Tees Valley Structure Plan and Stockton-on-Tees Local Plan were assessed on the basis of these criteria and a schedule produced identifying policies to be saved or deleted beyond 27th September 2007. Members will recall Cabinet endorsed this schedule for submission to the First Secretary of State (SoS) in April of this year.
 4. Government Office for the North East has now informed the Council of the outcome of this procedure and has issued two Directions; one for the Tees Valley Structure Plan and the other for Stockton-on-Tees Local Plan, which lists those policies that have been saved beyond 27th September 2007. They have accepted fully the Joint Strategy Unit's and Stockton Council's own recommendations for policies to be saved and deleted (**Appendices 1 and 2**).
 5. The extension of saved policies listed in the direction does not imply that that the policies would be endorsed if presented to the SoS as new policy. They have been saved to maintain continuity in the planning system, a stable planning framework locally and a continual supply of land for development. Planning authorities are urged to adopt a positive non-regulatory approach to future policy development in the preparation of Development Plan Documents (DPDs) and to continue to progress local development frameworks in accordance with Local Development Scheme timetables. Existing Local Plan policies have been extended in the expectation that they will be replaced promptly by fewer policies in DPDs. The Structure Plan policies have been saved pending the adoption of the RSS. Maximum use is to be made of national and regional policies.
 6. The SoS advises that the extended policies should be read in context and that where they were originally adopted some time ago, it is likely that material considerations, in particular the emergence of new national and regional policy and also new evidence, will be afforded considerable weight in decisions on planning applications. In stating this, the SoS has in mind the Government's proposals for massively increasing the supply of housing and draws the attention of local planning authorities, in particular, to paragraphs 6 and 68 of Planning Policy Statement 3 Housing (PPS3), which state:
 - The policies in this PPS should be taken into account in the preparation of emerging development plan documents whilst maintaining plan-making programmes
 - When making decisions for housing developments after 1 April 2007 local planning authorities should have regard to the policies in this statement as material considerations, which may supersede policies in existing development plans.
 7. And to paragraph 15 of the Housing Green Paper "Homes for the Future: more affordable, more sustainable," which states:
 - Where authorities do not currently have sufficient land identified locally to meet the 5-year requirement they should not wait for the full LDF to be prepared before identifying potential additional housing land. They should draw up immediately Strategic Housing Availability Assessments and these should be used as a material consideration in determining planning applications and appeals.

8. With effect from 27th September 2007, the saved policies will effectively comprise Stockton-on-Tees Local Plan and are the only policies that can be used to determine planning applications and be quoted as reasons for approving or refusing planning permission. This will be the case until the policies are gradually superseded by new policies in RSS and the various documents comprising the LDF.

FINANCIAL IMPLICATIONS

9. Any costs arising from the implications of this report will be accommodated within existing budgetary provisions.

LEGAL IMPLICATIONS

10. The Planning and Compulsory Purchase Act 2004 provided for the saving of existing Structure Plan and Local Plan policies for a period of 3 years from the commencement of the Act on 28th September 2004. This means that policies in the adopted Tees Valley Structure Plan (2004) and the Stockton-on-Tees Local Plan are due to expire on 27th September 2007 unless the Secretary of State extends them beyond that date. Failure to submit a schedule of policies to be saved would have meant that Stockton would have had no policy basis on which to determine planning applications, as all existing policies would have expired on this date.

RISK ASSESSMENT

11. This issue is categorised as low to medium risk. Existing management systems and daily routine activities are sufficient to control and reduce risk.”

COMMUNITY STRATEGY IMPLICATIONS

- 12 Explain how the report impacts on the key policy platform areas of the Community Strategy: -

Economic Regeneration and Transport

The Direction includes saved policies that support the regeneration of the Borough and provide a context for transport related development in the Borough

Safer Communities

The Direction includes saved policies that support “Designing out crime.”

Children and Young People

The Direction includes saved policies that support the provision of facilities for children and young people.

Healthier Communities and Adults

The Direction includes saved policies that seek to improve the general quality of the environment in terms of buildings and open space provision to support the well being and health of resident.

Liveability

The Direction includes saved policies to improve the liveability of the Borough by seeking to achieve high quality developments.

CONSULTATION INCLUDING WARD/COUNCILLORS

13. The contents of the report apply throughout the Borough and there are no implications, which would affect a particular ward.

Name of Contact Officer: Rosemary Young.
Post Title: Spatial Planning Manager
Telephone No. 01642 526054
Email Address: Rosemary.Young@stockton.gov.uk

Background Papers

Planning and Compensation Act 2004
DCLG "Saved" Policies Protocol.

Ward(s) and Ward Councillors:

As above.

Property N/A



**DIRECTION UNDER PARAGRAPH 1(3) OF SCHEDULE 8 TO THE
PLANNING AND COMPULSORY PURCHASE ACT 2004
POLICIES CONTAINED IN STOCKTON-ON-TEES LOCAL PLAN (1997)**

The Secretary of State for Communities and Local Government in exercise of the power conferred by paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 directs that for the purposes of the policies specified in the Schedule to this direction, paragraph 1(2)(a) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 does not apply.

Signed by authority of the
Secretary of State

A handwritten signature in cursive script that reads "Caroline Burden".

Caroline Burden
Head of the Planning Team
Government Office for the North East
31 August 2007

SCHEDLR8



INVESTOR IN PEOPLE

SCHEDULE

POLICIES CONTAINED IN STOCKTON - ON - TEES LOCAL PLAN (1997)

GP1	Proposals for Development
EN1	Sites of Special Scientific Interest
EN2	Local Nature Reserves (LNR)
EN4	Sites of Nature Conservation Importance (SNCI)
EN5	Land Adjoining North Tees Works
EN7	Special Landscape Areas
EN8	Ancient Woodland
EN9	Wynyard Park/Historic Parks
EN11	Cleveland Community Forest (now Tees Forest)
EN12	International Nature Reserve
EN13	Limits to Development
EN14	Green Wedges
EN15	Urban Open Space
EN16	Land allocation (Crosby Sarek)
EN17	Site Allocations (Mixed Use)
EN20	Reuse of rural buildings
EN22	Conservation Area boundary reviews
EN23	Conservation Area appraisals and management plans
EN24	New development in Conservation Areas
EN25	New development in Conservation Areas
EN26	Listed Buildings
EN27	Listed Buildings
EN28	Listed Buildings
EN29	Sites of Archaeological Interest
EN30	Sites of Archaeological Interest
EN36	New Hazardous Development
EN37	Expansion of hazardous installations
EN38	Residential development near a hazardous installation
EN39	Industrial or commercial development near a hazardous installation
EN40	Storage and use of hazardous substances
EN42	Wind Turbines in the open countryside
IN1	Business & General Industry.
IN2	Allocations for general industry storage and distribution
IN3	Port Related
IN4	Prestige Sites
IN5	Potentially Polluting or Hazardous Industrial Uses
IN6	Hazardous Installations
IN7	ICI Process Plant.
IN10	Alternative uses within existing/proposed industrial land
HO1	Housing Allocations
HO3	Development on Unallocated Sites
HO6	Residential Conversions
HO8	Housing for Special Needs



HO11	Design and Layout
HO12	Extensions and Other Domestic Development
HO13	Extensions for Dependant Relatives
COMM1	Childcare
COMM4	Yarm Social Centre
ED4	Teesdale University site
REC1	Outdoor playing space
REC4	Ingleby Barwick Park
REC8	Tees and Leven country park
REC11	Designated footpaths
REC13	Cable ski course
REC16	Marina
REC17	Public landing points
REC18	Slipways
REC19	New slipways
REC20	New footpaths and cycle routes
REC21	New bridges
TR1	Pedestrian bridges
TR4	New cycle routes
TR8	Light rail or bus way transport corridors
TR11	Safeguarding rail corridors
TR12	Trunk road improvements
TR13	Highway improvements
TR15	Highway design
TR16	Private parking in Stockton town centre
TR18	Yarm town centre parking
TR19	Safeguarding a rail link to Seal Sands
TR20	Safeguarding railway sidings
TR21	Employment uses at Teesside Airport

Appendix 2



GOVERNMENT OFFICE
FOR THE NORTH EAST

**DIRECTION UNDER PARAGRAPH 1(3) OF SCHEDULE 8 TO THE
PLANNING AND COMPULSORY PURCHASE ACT 2004
POLICIES CONTAINED IN
TEES VALLEY STRUCTURE PLAN (2004)**

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Signed by authority of the
Secretary of State

Caroline Burden

Caroline Burden
Head of the Planning Team
Government Office for the North East
31 August 2007

STOCKTON BOROUGH COUNCIL Planning & Environment	
11 SEP 2007	
PASS TO	INITIALS
1	
2	
3	



INVESTOR IN PEOPLE

SCHEDULE

POLICIES CONTAINED IN TEES VALLEY STRUCTURE PLAN (2004)

STRAT1	Locational Strategy
EMP6	Business Parks & Prestige Employment Development
ENV15	Strategic Gaps
H2	Strategic Greenfield Housing Sites
H6	Range of house types
T3A	New Tees crossing
T3B	Protection of Light Rapid Transit alignment as a public
T8	Protection of railway alignments as transport corridors transport route
T15	East Middlesbrough Transport Corridor
T18A	Trunk and Primary Road Improvements
T18B	Trunk and Primary Road alignment protection
T19	Stainton Way to Swan's Corner alignment protection
T23	Car parking management
TC3	Retail hierarchy

