

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

6 NOVEMBER 2008

**REPORT OF CORPORATE
MANAGEMENT TEAM**

CABINET DECISION/COUNCIL DECISION/ KEY DECISION

Regeneration and Transport – Lead Cabinet Member – Councillor Cook

STOCKTON-ON-TEES LOCAL PLAN ALTERATION NUMBER ONE: EXTENSION OF SAVED POLICIES

1. Summary

This report informs Members on the Stockton-on-Tees Local Plan Alteration Number One saved policies exercise. The policies in the Alteration Number One will expire in March 2009 unless they are extended by the Secretary of State. It recommends that the environment policies EN32a, EN32b and EN32c which deal with flooding, are deleted. Policies S3, S12, S19, S20 and S21 in the retail chapter are also recommended to be deleted, however, the rest of the policies in the retail chapter S1, S2, S4, S5, S6, S7, S8, S9, S10, S11, S13, S14, S15, S16, S17 and S18 are recommended to be saved.

2. Recommendations

Members are recommended to: -

- i) Endorse the recommendations of the report that Stockton-on-Tees Local Plan Alteration Number One policies EN32a, EN32b, EN32c, S3, S12, S19, S20 and S21 are deleted.
- ii) Endorse the recommendations of the report that Stockton-on-Tees Local Plan Alteration Number One policies S1, S2, S4, S5, S6, S7, S8, S9, S10, S11, S13, S14, S15, S16, S17 and S18 are saved.
- iii) Delegate authority to the Head of Planning, in consultation with the Lead Cabinet Member for Regeneration and Transport to negotiate with Government Office for the North East about the schedule of saved and deleted policies prior to submission to the Secretary of State.

3. Reasons for the Recommendations/Decision(s)

The policies have been assessed against the criteria in Section 9 of PPS12 on saving policies, and the decisions about whether to save or delete them has been made accordingly:

- “where appropriate, there is a clear central strategy;
- policies have regard to any sustainable community strategy for the area;
- policies are in general conformity with the regional spatial strategy or spatial development strategy;
- policies are in conformity with the core strategy development plan document (where the core strategy has been adopted);

- there are effective policies for any parts of the authority's area where significant change in the use of development of land or conservation of the area is envisaged; and
- policies are necessary and do not repeat national or regional policy."

Those policies recommended for deletion are considered unnecessary as they repeat national and/ or regional Government guidance. Those recommended to be saved are in conformity with this guidance but adapt it to the locally specific circumstances of the Stockton Borough.

It is considered important to save the retail policies pending their replacement by the Local Development Framework to avoid a local retailing policy vacuum.

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 (**paragraphs 10 and 11 of the code of conduct**).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting considering the business is being held -

- in a case where the Member is attending a meeting (including a meeting of a select committee) but only for the purpose of making representations, answering questions or giving evidence, provided the public are also allowed to attend the meeting for the same purpose whether under statutory right or otherwise, immediately after making representations, answering questions or giving evidence as the case may be;
- in any other case, whenever it becomes apparent that the business is being considered at the meeting;

and must 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 (unless the interest arises solely from the Member's membership of, or position of control or management on any other body to which the Member was appointed or nominated by the Council, or on any other body exercising functions of a public nature, when the interest only needs to be declared if and when the Member speaks on the matter), and if their interest is prejudicial, they must also leave the meeting room, subject to and in accordance with the provisions referred to above.

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POLICIES**

SUMMARY

This report informs Members on the Stockton-on-Tees Local Plan Alteration Number One saved policies exercise.

RECOMMENDATIONS

Members are recommended to: -

- i) Endorse the recommendations of the report that Stockton-on-Tees Local Plan Alteration Number One policies EN32a, EN32b, EN32c, S3, S12, S19, S20 and S21 are deleted.
- ii) Endorse the recommendations of the report that Stockton-on-Tees Local Plan Alteration Number One policies S1, S2, S4, S5, S6, S7, S8, S9, S10, S11, S13, S14, S15, S16, S17 and S18 are saved.
- iii) Delegate authority to the Head of Planning, in consultation with the Lead Cabinet Member for Regeneration and Transport to negotiate with Government Office for the North East about the schedule of saved and deleted policies prior to submission to the Secretary of State.

DETAIL

1. The Stockton-on-Tees Local Plan Alteration Number One was adopted in March 2006. By virtue of the Planning and Compulsory Act 2004 policies under the Local Plan system are saved for three years pending the adoption of replacement policy document through the Local Development Framework.
2. This means the Alteration Number One policies are due to expire in March 2009. To retain the policies beyond this three year period the Secretary of State must agree to issue a direction to this effect. To do this we need to write to Government Office for the North East six months before the expiration of the three year period.
3. In June 2008 the Government published the new Planning Policy Statement 12. Section 9 sets out criteria which policies should comply with in order to be saved:
 - “where appropriate, there is a clear central strategy;
 - policies have regard to any sustainable community strategy for the area;
 - policies are in general conformity with the regional spatial strategy or spatial development strategy;
 - policies are in conformity with the core strategy development plan document (where the core strategy has been adopted);

- there are effective policies for any parts of the authority's area where significant change in the use of development of land or conservation of the area is envisaged; and
 - policies are necessary and do not repeat national or regional policy.
4. The Government will have particular regard to:
- policies that support the delivery of housing, including unimplemented site allocations, up-to-date affordable housing policies and policies relating to the infrastructure necessary to support housing;
 - policies on Green Belt general extent in structure plans and detailed boundaries in local plans or unitary development plans;
 - policies that support economic development and regeneration, including policies for retailing and town centres;
 - policies for waste management, including unimplemented site allocations; and
 - policies that promote renewable energy, reduce impact on climate change or safeguard water resources.”

ALTERATION NUMBER ONE

5. The policies in the Alteration Number One have been assessed against these criteria and a proposed schedule of policies to be saved and deleted with written justification has been produced and is attached as Appendix A.
6. The policies in Alteration Number One are divided into two chapters; one on the environment, which sets out flooding policies and the other on the economy, which deals with retailing.
7. It is considered that the environment policies EN32a, EN32b and EN32c are unnecessary as they repeat Government policy and therefore they are recommended for deletion.
8. Policies S3, S12, S19, S20 and S21 in the retail chapter are also recommended to be deleted because they are considered to be no longer necessary. However, the rest of the policies in this chapter policies S1, S2, S4, S5, S6, S7, S8, S9, S10, S11, S13, S14, S15, S16, S17 and S18 are recommended to be saved because they are in conformity with national and regional policy and adapt it to the locally specific circumstances of the Stockton Borough. It is considered important to save these policies to avoid a local retailing policy vacuum pending their replacement by the Local Development Framework.
9. A provisional schedule has been submitted to Government Office for the North East in order to comply with the regulations in PPS12.

FINANCIAL AND LEGAL IMPLICATIONS

Financial

10. None.

Legal

11. Policies may be saved under the 2004 Planning and Compulsory Purchase Act.

RISK ASSESSMENT

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

COMMUNITY STRATEGY IMPLICATIONS

Economic Regeneration and Transport

13. The retail policies recommended to be saved are aimed at improving the viability and vitality of the retailing centres around the Borough which will aid economic regeneration.

Safer Communities

14. The policies do not specifically promote the creation of safer communities. Safer communities are a key principle of the Core Strategy and this will be replicated within other emerging policy documents as part of the LDF. Policies such as S9, S11 and S13 promote mixed use which can lead to greater surveillance and increased feelings of safety.

Children and Young People

15. The policies do not specifically mention children and young people.

Healthier Communities and Adults

16. The policies do not specifically promote the creation healthier communities and adults. It is a key principle of the Core Strategy to create healthier communities and this will be replicated within other emerging policy documents as part of the LDF. Policies in the retail chapter recommended to be saved promote the direction of retailing to more established centres, which are mostly those accessible by sustainable means (such as walking and cycling).

Liveability

17. Policies such as S9, S11 and S13 recommended to be saved promote mixed use in retailing centres. This will improve the liveability of the centres.

CONSULTATION INCLUDING WARD/COUNCILLORS

18. As Alteration Number One is a Borough wide document, it is not possible to identify specific wards or ward councillors for consultation. A report on the saving policies exercise was taken to LDF Members Steering Group and Planning Committee and Councillors were given an opportunity to comment on the proposed schedule before it was referred to Cabinet.

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Background Papers:

Stockton-on-Tees Local Plan Alteration Number One, March 2006
Planning Policy Statement 6: Planning for Town Centres
Planning Policy Statement 12: Local Development Frameworks
Planning Policy Statement 25: Development and Flood Risk
North East Regional Spatial Strategy
Stockton Renaissance Sustainable Community Strategy for the Borough of Stockton-on-Tees, 2008- 2021

Ward(s) and Ward Councillors: **N/A**

Property: **N/A**