

STOCKTON-ON-TEES BOROUGH COUNCIL

CABINET RECOMMENDATIONS

PROFORMA

Cabinet Meeting18th March 2010

1. Title of Item/Report

Local Development Framework: Adoption of Stockton-on-Tees Core Strategy Development Plan Document.

2. Record of the Decision

Cabinet noted that the Core Strategy DPD was the key document in the new Local Development Framework and would provide strategic planning policies for the Borough. Between 22 September and 2 October 2009, it had been the subject of an Independent Examination before a Planning Inspector into its "soundness." On 3rd February 2010, the Council received the Inspector's report of the Independent Examination, which found the document sound subject to certain binding recommendations.

The Inspector's report and the schedules of Significant Proposed Changes and two schedules of minor changes entitled Schedule 1 and Schedule 2 were provided to Cabinet. Cabinet noted the principal changes required by the Inspector:

- To make clear that affordable housing policy is to be interpreted flexibly in response to changing market conditions, he had required that the affordable housing requirement was couched in terms of a target (15 -20%) and that provision at a lower rate would only be acceptable where robust justification was provided. The affordable housing policy was to be applied with flexibility sensitive to the market conditions prevailing at the time the planning application was submitted. The targets for the tenure mix (20% intermediate and 80% social rented) could also only be deviated from where robust justification was provided.

- To ensure that in safeguarding land for the chemical industry, adequate information would be in place to safeguard the integrity of the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar site. To this end, the Inspector had required an element of flexibility into Policy CS4 by prefacing the amount of land to be safeguarded for the chemical and processing industry with the phrase "up to" to recognise that, given environmental constraints in the Seal Sands area, it might not be possible to safeguard precise amounts of land. In addition, clause 6 of Policy CS4 was to be amended to state that no port or river based development

would be permitted on or adjacent to North Tees Mudflat. Paragraph 9.7 was amended to include a commitment for the Council to undertake a study, in partnership with Natural England and the Royal Society for the Protection of Birds, to assess the potential for development in the Seal Sands, North Tees Pools and River Tees Corridor to adversely affect the integrity of the SPA/Ramsar site and to develop a strategic framework for development in these areas and an integrated approach to habitat creation.

- To ensure that the retail policy was consistent with national policy, the Inspector had required policy CS5 to be amended to state that no further allocations for retail development would be made other than in or on the edge of Stockton Town Centre and that, whilst the Council would not encourage additional retail or leisure development in Teesside Park or Portrack Lane or any other out-of-centre locations, any proposals which emerged would be dealt with in accordance with prevailing national policy as set out in Planning Policy Statement 4 or its successor.

The final published version of the Core Strategy incorporating all of the proposed changes both significant and minor changes was provided to Members.

It was explained that as soon as reasonably practicable after Council had adopted the Core Strategy, the Council must complete the following statutory procedures;

- The Inspector's Report and Schedules of Changes, the Core Strategy and supporting documentation, the adoption statement and sustainability appraisal report must be made available during normal office hours in the places where pre-submission documents were made available (that is, the Council offices and local libraries);
- The documents must be published on the Council website;
- Inform stakeholders who had asked to be kept informed of the publication of the Inspector's recommendations and the adoption of the Core Strategy and let them know where the documents could be inspected;
- Place an advertisement in the local press containing the adoption statement and the fact that the Core Strategy was available for inspection and the places and times at which the document could be inspected;
- Send a copy of the Core Strategy and adoption statement to the Secretary of State.

The legal date of adoption of the Core Strategy is the date of the resolution of Full Council to adopt it. Under section 113 of the Planning and Compulsory Purchase Act 2004, there was a period of six weeks from that date within which any person aggrieved by the document may

make an application to the High Court on the grounds that;

- The document was not within the appropriate power;
- A procedural requirement had not been complied with.

The High Court may make an interim order suspending part or whole of the document pending the final determination of the application and ultimately may quash the document in whole or part.

RECOMMENDED to Council that:-

1. The Inspector's report on the Stockton-on-Tees Borough Core Strategy Development Plan Document and his binding recommendations to make the plan sound be endorsed.

2.The revised Core Strategy, which incorporates the Inspector's binding recommendations, for use in the determination of planning applications be adopted.

3. Reasons for the Decision

To ensure that the Council accepts the Inspector's binding Recommendations to make the Core Strategy sound and that the document could be used in the determination of planning applications.

4. Alternative Options Considered and Rejected

None

5. Declared (Cabinet Member) Conflicts of Interest

Councillors Coleman and Mrs Womphrey each declared a personal, non-prejudicial interest in respect of this item as a result of being members of the Royal Society for the Protection of Birds.

6. Details of any Dispensations

N/A

7. Date and Time by which Call In must be executed

Not Applicable.

Proper Officer

22 March 2010