

AGENDA ITEM

REPORT TO CABINET

30 September 2010

**REPORT OF CORPORATE
MANAGEMENT TEAM**

COUNCIL DECISION / CABINET DECISION / KEY DECISION

Regeneration and Transport – Lead Cabinet Member – Councillor Cook

**LOCAL DEVELOPMENT FRAMEWORK: ENVIRONMENT DEVELOPMENT PLAN DOCUMENT
ISSUES AND OPTIONS**

1. Summary

This report advises members that the Spatial Planning team are moving forward with the preparation of the Environment Development Plan Document (DPD) Issues and Options. A draft issues and options report has circulated for internal council consultation in July with the amended document subsequent to this consultation being presented to members. The issues and options paper details issues affecting the natural, historic and rural environment of Stockton-on-Tees Borough and invites the public and stakeholders to make comments on which options they feel are most appropriate for dealing with these issues. In accordance with the Local Development Scheme (LDS) the document is intended to go out for public consultation in November/December 2010.

2. Recommendations

Members are recommended to:

1. Approve the Environment DPD for public consultation
2. Delegate further amendments to the document prior to publication for consultation to the Head of Planning in consultation with the Chair of the Local Development Framework Steering Group

3. Reasons for the Recommendations/Decision(s)

In 2004, the Planning and Compulsory Purchase Act introduced major changes in the way decisions about the long term planning and development of areas are made. The Act requires local authorities to prepare and maintain a 'Local Development Framework', to replace existing local plans.

The Local Development Framework is an umbrella term and will actually comprise a number of planning documents otherwise called 'Local Development Documents' which together will set out the Council's long term planning policies and proposals.

The Environment DPD is a key Local Development Document which will provide site specific designations and guidance which adds more detail to the strategic policies set out in the Core Strategy.

The LDS sets out the timetable for the preparation of the documents that comprise the LDF that will collectively comprise the Borough wide Local Development Framework. The Issues and Options stage is the first stage in the process. There are a number of further stages with the scheduled adoption date for the Environment DPD being December 2013

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.

AGENDA ITEM

REPORT TO CABINET

30 September 2010

REPORT OF CORPORATE MANAGEMENT TEAM

CABINET/COUNCIL/KEY DECISION

LOCAL DEVELOPMENT FRAMEWORK: ENVIRONMENT DEVELOPMENT PLAN DOCUMENT ISSUES AND OPTIONS

SUMMARY

1. This report presents Members with the Environment Development Plan Document (DPD) Issues and Options for public consultation as part of the Local Development Scheme. Following a period of internal council consultation in July 2010, the issues and options paper details those issues affecting the natural, historic and rural environment of Stockton-on-Tees Borough and invites the public and stakeholders to make comments on which options they feel are most appropriate for dealing with these issues. In accordance with the Local Development Scheme (LDS) the document is intended to go out for public consultation in November/December 2010.

RECOMMENDATIONS

Members are asked to:

1. Approve the Environment DPD for public consultation
2. Delegate further amendments to the document prior to publication for consultation to the Head of Planning in consultation with the Chair of the Local Development Framework Steering Group

DETAIL

2. Issues and Options is the first stage of the consultation process. This report details issues affecting the natural, historic and rural environment of Stockton-on-Tees Borough and invites the public and stakeholders to make comments on which options they feel are most appropriate for dealing with these issues. The issues and options paper presents the chance to consider how different policy options might deliver or hinder those broader local community priorities and test whether those choices fit well with national policy and guidance.
3. The report details an overarching approach to mitigating and adapting to the affects of climate change and delivering green infrastructure. With the following four main themes providing the main content of the report:

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|----------------|---|
| THEME 1 | Natural Environment – planning policies on the protection and enhancement of the natural environment |
| THEME 2 | Historic Environment – policies on the conservation and, where appropriate, enhancement, of the built heritage within the Borough. |
| THEME 3 | Rural Environment – policies on rural character and diversification |

THEME 4 Urban Open Space – policies on the strategic management of green spaces throughout the Borough

4. In accordance with the LDS the document is intended to go out for public consultation in November/December 2010.
5. The Environment DPD Issues and Options report is available in the Members' Library, the Electronic Members' Library (accessible through the Council Intranet) and Egenda.

FINANCIAL IMPLICATIONS

6. The cost of producing the Environment DPD is being met through current budgetary provisions.

LEGAL IMPLICATIONS

7. The Environment DPD is being prepared under the provisions of Part 2 of the Planning and Compulsory Purchase Act 2004 as amended by the Planning Act 2008 and the Town and Country Planning (Local Development)(England) Regulations 2004 and the Town and Country Planning (Local Development) (England)(Amendment) Regulations 2008, which make provisions for the operation of that system. Failure to comply with the provisions of the Act or Statutory Regulations may result in all or part of the YEAP being challenged in the High Court under section 113 of the 2004 Act, which if successful may lead to all or part of the Environment DPD being quashed.

RISK ASSESSMENT

8. The production of the Environment DPD is categorised as low to medium risk. Existing management systems and daily routine activities are sufficient to control and reduce risk.

SUSTAINABLE COMMUNITY STRATEGY IMPLICATIONS

Economic Regeneration and Transport

9. The Core Strategy DPD promotes sustainable transport and regeneration by supporting sustainable, mixed communities. The Environment DPD will help deliver the Core Strategy.

Environment and Housing

10. It is a key principle of the Core Strategy to improve sustainability and this will be replicated within other emerging policy documents as part of the LDF.

Safer Communities

11. 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.

Children and Young People

12. Provisions will be incorporated within the emerging LDF policy documents.

Health and Wellbeing

13. 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.

Stronger Communities

14. It is a key principle of the Core Strategy to create stronger communities and this will be replicated within other emerging policy documents as part of the LDF

Older Adults

15. Provisions will be incorporated within the emerging LDF policy documents.

Arts and Culture

16. The Core Strategy DPD promotes arts and culture. The Environment DPD will help deliver the Core Strategy.

EQUALITIES IMPACT ASSESSMENT

17. The emerging DPDs will be subject to an Equality Impact Assessment.

CONSULTATION INCLUDING WARD/COUNCILLORS

18. The Environment DPD Issues and Options report was taken to the LDF Members Steering Group meeting of 10th August 2010 and Planning Committee on 15th September 2010

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Background Papers

Planning Policy Statement No 12: Local Spatial Planning

Ward(s) and Ward Councillors:

All ward councillors

Property

The report does not impact on the Capital Programme and Asset Management Plan.