

Cabinet

A meeting of Cabinet was held on Thursday, 14th January, 2016.

Present: Cllr Robert Cook (Chair); Cllr Jim Beall, Cllr Nigel Cooke, Cllr Mrs Ann McCoy, Cllr Steve Nelson and Cllr Norma Wilburn.

Officers: N Schneider (CE), J Danks, M Waggott, P K Bell (DCE), B Brown (HR, L&C), G Cummings (F&BS); R McGuckin, C Renahan (EG&D); J Humphreys (CHS); L Hanley (A&H); D E Bond (Proper Officer) .

Also in attendance: Cllr Chris Clough, Cllr Lynn Hall, Cllr Mrs Sylvia Walmsley, Cllr Barry Woodhouse; Mark Kirkham (Mazars); Members of the Public.

Apologies: Cllr Michael Smith.

CAB 87/15

Declarations of Interest

Councillor Cooke declared a disclosable pecuniary interest in respect of agenda item 7 - Mental Capacity Act Deprivation of Liberty Safeguards Update as he was an employee of Tees and Esk Wear Valley NHS Foundation Trust. Councillor Cooke had been granted a dispensation in relation to this interest.

Councillor Mrs McCoy declared a personal non prejudicial interest in respect of agenda item 7 - Mental Capacity Act Deprivation of Liberty Safeguards Update as she was on the Board of Governors of Tees and Esk Wear Valley NHS Foundation Trust.

Councillor Cooke declared a disclosable pecuniary interest in respect of agenda item 11 - Multi-Agency Children's Hub as he was an employee of Tees and Esk Wear Valley NHS Foundation Trust. Councillor Cooke had been granted a dispensation in relation to this interest.

Councillor Mrs McCoy declared a personal non prejudicial interest in respect of agenda item 11 - Multi-Agency Children's Hub as she was on the Board of Governors of Tees and Esk Wear Valley NHS Foundation Trust.

Councillor Cook declared a personal non prejudicial interest in respect of agenda item 13 - Rail Franchise announcements for Northern and TransPennine routes as he was a member of Rail North Association.

Councillor Cooke declared a personal non prejudicial interest in respect of agenda item 14 - Economic Climate report as he was on the Tees Music Alliance Board.

Councillor Nelson declared a personal non prejudicial interest in respect of agenda item 15 - Victoria Estate Regeneration: Urban Village Living as he was on the Tristar Board.

CAB 88/15

Minutes

Consideration was given to the minutes of the meeting held on 3rd December 2015.

RESOLVED that the minutes of the meeting held on 12th November 2015 be

confirmed as a correct record.

**CAB
89/15** **Annual Audit Letter 2014/15**

Consideration was given to a report on the Annual Audit Letter 2014/15.

The Audit Commission appointed Mazars LLP to act as external auditors to the Council. Following the abolition of the Audit Commission, audit appointments were made by Public Sector Audit Appointments Limited.

A formal stage in the annual audit process was the production of the "Annual Audit Letter". The Annual Audit Letter for 2014/15 had been received and was attached to the report.

The Annual Audit Letter summarised the auditor's findings from the 2014/15 audit. In line with previous practice, a copy of the Annual Audit Letter would be sent to all Members of the Council. Mazars LLP were required to submit the Annual Audit Letter to Public Sector Audit Appointments Limited and it would appear on their website in due course.

Mazars LLP had issued an unqualified audit opinion on the Council's financial statements for 2014/15 and no material amendments were required.

Mazars LLP had issued an unqualified value for money conclusion stating that it was satisfied that "the Council put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources for the year".

The report recognised that the Council faced future challenges but goes on to say that "the Council continues to have a strong approach in considering a range of options, regularly updating and agreeing its plans well ahead of the relevant financial year."

Mazars LLP were required to report on the "Whole of Government Accounts" return completed by the Council. Their report states that the return "was consistent with the audited statement of accounts".

RESOLVED that the contents of the letter be noted.

**CAB
90/15** **Coroner's Service**

Consideration was given to a report that provided an update regarding the proposed merger of the Teesside and Hartlepool Coroner areas.

An addendum to the business case had been prepared by Middlesbrough as lead authority, which amended some of the recommendations contained in the main business case previously submitted to the Ministry of Justice in September 2014.

In September 2014 Middlesbrough, Hartlepool, Redcar and Cleveland and Stockton Councils approved a business case that recommended:-

- The Teesside and Hartlepool coroners' areas should merge;

- The Senior Coroner for the merged area should be a 0.8 FTE position;
- The Senior Coroner for Hartlepool should “slot in “ to the position of the Senior Coroner in the new merged area; and
- The service should be supported by 1 Assistant Coroner (0.8 FTE), with any additional Assistant Coroner support required being provided on an ad hoc basis (estimated at circa 15-20 days per year)

The business case was submitted to the MOJ and the MOJ consulted on the proposals, following which they stated that, in line with views expressed by the Chief Coroner, they were unlikely to recommend the merger, unless the Senior Coroner position was full-time and appointed by external competition.

Since that time, progress had been made in relation to certain aspects of the business case, and circumstances had changed, such that the business case and its recommendations should be reconsidered.

The outcome of this reconsideration was contained in an Addendum to the original business case, which had been prepared by Middlesbrough Council as lead authority. A copy of the Addendum was attached to the report.

The improved outcomes identified in the original business case had already been delivered without a formal merger of the two areas. These were as follows:-

- (a) The timeliness of inquests had improved substantially and this improvement had been maintained throughout 2015;
- (b) A streamlined service was offered by both coroner services to key partners; and
- (c) The savings predicted in the business case had been delivered by streamlining processes within the Teesside Coroner’s Service and the commissioning of services.

The timeliness of inquests had improved significantly in both the Teesside and Hartlepool Coroner areas. In 2014 the Teesside Coroner’s Service dealt with circa 2,300 reported deaths and completed circa 700 inquests. The average time for dealing with inquests, excluding the backlog cases, was seven weeks. This performance had been maintained during 2015.

Hartlepool Coroner’s service continued to perform well with the average time for inquests in 2014 being three weeks which was the best performance in the country. This excellent achievement was partly attributed to the closure of the hospital and the consequent reduction in the number of complex cases. In 2014 the Hartlepool Coroner’s service dealt with 235 reported deaths and concluded 29 inquests.

The main savings predicted in the business case had been delivered. It was possible that some, comparatively minor, additional savings could be achieved via the merger of the two services, relating to the provision of administrative support; however some of these savings could be achieved by further merging the back off support functions without a formal merger of the two areas. There was also the possibility that a merger would assist Hartlepool in offsetting future costs for example should Hartlepool Coroner’s Service decide (or be required) to move to an electronic case management system. This additional cost would

not be incurred in a merged Coroner Service as Teesside Coroner's Service already had an electronic case management system implemented.

Whilst a merged service was unlikely to result in any additional significant savings there would be a realignment of costs. The cost to the Teesside local authorities increasing by between £6,000 and £14,000 per authority and a reduction in costs payable by Hartlepool local authority of circa £26,000.

The Business Case was drafted in July 2014. Since that date there had been several key changes, as follows:-

- (a) A better understanding of the impact on the Coroner's Service of the deprivation of liberty (Cheshire West) judgement;
- (b) The opportunity to see the coroner support model proposed in the business case in operation (albeit in a slightly different format); and
- (c) The Chief Coroner's response to the consultation on the original business case and additional guidance issued to Middlesbrough in respect of the merger.

With regard to the next steps the addendum to the business case would be taken through the relevant decision-making processes of each authority.

The Addendum to the business case and the formal decisions from the relevant local authorities would then be forwarded to the MoJ.

The MoJ were responsible for deciding whether or not to progress a merger. The local authorities could not progress any course of action until the MoJ had confirmed the actions they intended to take.

A decision not to merge would result in the Teesside Coroner's Service advertising for a Senior Coroner. This process would be governed by the Chief Coroner's Guidance Note 6 and could, subject to timely responses from the MoJ and the Chief Coroner's office, be concluded within three months.

RESOLVED that:-

1. The senior coroner position be full-time;
2. The model of coroner support (1FTE senior coroner + 0.8 FTE assistant coroner) be retained;
3. The senior coroner for the new area be appointed via external competition, following MoJ agreement to indemnify the local authorities against the costs of any litigation and compensation (should a scenario arise where compensation is payable) and if no indemnity is forthcoming then the merger be postponed until legislation is in place governing the payment of compensation;
4. It be noted that the MoJ can force a merger, and that if they do so and litigation is brought against the local authorities, that this be dealt with by the Relevant Authority for the new coroner area with any associated costs / compensation being discussed and agreed between the four authorities in accordance with the formula for funding the service;

5. The detail of the support provided to the senior coroner, by either an assistant (or area) coroner, be decided by the Relevant Authority (in liaison with the other authorities) once the outcome of the senior coroner appointment process is known; and that approval of any

6. Further revisions to the Business Case and its addendum, which do not fundamentally alter the direction proposed be delegated to the Corporate Director of Resources and the Director of HR, Legal and Communications in consultation with the Leader of the Council.

**CAB
91/15** **Minutes of Various Bodies**

Consideration was given to a report on the minutes of various bodies.

In accordance with the Council's Constitution or previous practice the minutes of the meeting of the bodies indicated below were submitted to members for consideration:-

SLSCB – 15th October 2015
TSAB – 10th November 2015
SSP – 29th September 2015
SSP – 17th November 2015

RESOLVED that the minutes of the meetings detailed in the appendices be approved / received, as appropriate.

**CAB
92/15** **Mental Capacity Act Deprivation of Liberty
Safeguards**

Consideration was given to a report on the details of the changes to the Mental Capacity Act Deprivation of Liberty Safeguards following the Supreme Court Judgment on the Cheshire West and Chester Council and Surrey County Council cases (March 2014).

The implications for the Council in relation to this were also outlined, including details of the work in progress to identify the risks and resource implications of the revised legal framework. The report provided an update on operational activity and financial projections for 2015-2016.

Following the Supreme Court Ruling on 19 March 2014 : P -v- Cheshire West and Chester Council and P and Q -v- Surrey County Council, there had been a radical change to the legal definition of and the test for Deprivation of Liberty (DoL), which must be followed.

There were two key questions that needed to be considered when applying the test:

- Is the person subject to continuous supervision and control?
- Is the person free to leave?

For a person to be deprived of their liberty, they must be subject both to continuous supervision and control and not be free to leave. They must also

lack the mental capacity to consent to the relevant care and support arrangements, where they had been put in place by the State. Attached to the report were more details of the judgment (a link to the full judgment is embedded in the Department of Health letter). Also attached to the report was the Department of Health's October 2015 Update on the Mental Capacity Act and DoLS.

RESOLVED that:-

1. The content of the report, the implications of the judgment and the requirement for additional work to be carried out be noted.
2. Cabinet receive regular updates on progress against the operational plan. The next update is planned for October 2016.
3. The requirement be noted for interim funding for 2016-2017 of £546,000 to be considered as part of the Medium Term Financial Plan. This is to enable the required improvement work to be undertaken as part of the lean work planned for adult operational services.

**CAB
93/15** **Climate Change Strategy**

Consideration was given to a report on Climate Change Strategy.

The Council had a responsibility to contribute locally to the UK's strategy in reducing the greenhouse gas emissions and better preparing for extreme future weather events. The Council had a strong track record in both of these areas. The Council Plan contained the objectives of delivering the 'Green Vision' of a low carbon economy and improving resilience to extreme weather events, and this strategy aimed to meet both those commitments. A copy of the Climate Change Strategy was attached to the report.

A manifesto commitment was made in 2015 on emissions reductions and a target was set to 'cut the Council's own carbon emissions by a further 5% by the end of 2016 and 21% by 2020'. Both of these targets form the basis of the greenhouse gas emissions element of the strategy, together with a trajectory to meet the 2020 target. Page 20 of the strategy outlined 4 key priorities on mitigation and a range of actions to be delivered in order to progress towards the target. In order to contribute towards the Council Plan objective of improving resilience to extreme weather events, page 21 of the strategy outlined 3 key priorities on adaptation and a range of actions to be delivered in order to significantly improve preparedness for communities and the services.

As a result, the Climate Change Strategy aimed to address the challenge of meeting the CO2 reduction targets by the year 2020, ensure that the Council was better prepared for future extreme events, could minimise the impacts of them when they occur, and meet the Climate Local obligations.

The Climate Change Act 2008 introduced a binding reduction target requiring the UK to reduce its emissions by at least 80% by 2050 against 1990 levels and the Council had responsibilities to submit annual emissions reports on performance as well as on domestic energy efficiency performance and fuel poverty. The Council had made significant contributions over the past few years

to the work of reducing emissions across the Borough particularly under our first Carbon Management Plan and Climate Change Action Plan in 2008/2009. These programmes had led to direct significant reductions in emissions with a Borough wide emissions reduction of 27% since 2005, while the Council reduced emissions from direct Council activity by 18%, or 5877 tonnes, between 2012 and 2015. This was a positive environmental impact but also contributed to improved financial sustainability through reduced energy and fuel use.

The Council was recognised nationally and ranked 5th under the annual, independent Local Authority Energy Index of 103 English and Welsh local authorities however, the Council needed to begin dovetailing work on reducing emissions with future adaptation actions to better protect the Borough. The Council had successfully delivered a range of former climate change plans, strategies and policies in previous years including the Climate Change Action Plan, Sustainable Energy Action Plan, Carbon Management programme and Renewable Energy Strategy, and this strategy brought these strands together in one document and superseded all previous plans.

The strategy sets out to reduce Council emissions by 21% on a 2014/15 baseline by 2020, reduce Borough wide emissions by 18% by 2020 on a 2013 baseline, and improve preparedness for future extreme events. As a result, this Climate Change Strategy aimed to address the challenge of meeting the CO2 reduction targets by the year 2020, ensure that the Council was better prepared for future extreme events, could minimise the impacts of them when they occur, and meet Climate Local obligations.

RESOLVED that:-

1. The report and the excellent performance in recent years on greenhouse gas emissions reductions be noted.
2. The Climate Change Strategy be approved.

**CAB
94/15** **Environment Policy**

Consideration was given to a report on Environment Policy.

Stockton-on-Tees Borough Council was committed to environmental improvement and sustainability, demonstrated by significant performance in areas such as carbon reduction, waste management, energy efficiency and green infrastructure. Sustainability features heavily in many of the plans and strategies, such as Social Value Policy, in order to ensure the highest standards when delivering projects and services. Despite policies in previous years the Council did not have an adopted Environment Policy statement in place under which the adopted strategies, plans and processes should sit. The policy revised, and brought together, the priorities under environment and sustainability.

The policy provided the framework for the actions across the organisation to improve environmental performance, the guiding principles and objectives for decisions, and would steer the work of the organisation on a number of key priorities. An Environment Policy allowed the Council to evidence the actions

being delivered to improve the environment, demonstrates a public commitment to the wider environment and set the standard to partners and contractors in placing environmental performance at the heart of service delivery. A range of services across the Council had contributed to its development through consultation before review by the Policy Officers Group.

RESOLVED that:-

1. The report and the rationale for a new Environment Policy be noted.
2. The Environment Policy be approved.

**CAB
95/15**

Children's Social Care Activity and Performance

Consideration was given to a report on Childrens Social Care Activity and Performance.

In light of the Ofsted inspection of child protection in January 2013, it had been decided to review the content and format of future children's social care reports to Cabinet.

In addition to a range of measures to illustrate the pressures experienced by the service, a number of performance indicators would be included so that Cabinet could more closely monitor the impact of these pressures on performance and outcomes for children.

As a way of achieving this, the use of a 'process model' was approved by Cabinet on 13 June 2013.

The report was based on the available data at the end of quarter 2 (30 September 2015).

RESOLVED that:-

1. The continued workload pressures and associated activity in the children's social care system and the consequent impact this is having on both performance and budget be noted.
2. Cabinet receive further reports on a quarterly basis, both in relation to Early Help Activity and Performance and Social Care Activity and Performance.

**CAB
96/15**

Multi-Agency Children Hub

Consideration was given to a report that set out a proposal to establish a Multi-Agency Children's Hub with Hartlepool Borough Council. The Hub would be a first point of contact for Children's referrals including safeguarding matters and would replace Stockton's First Contact Children's service. The staff from this service would transfer to Hartlepool Borough Council who would be the lead authority for the new arrangements. Partners in the Hub include the Police, North Tees and Hartlepool Foundation Trust and Tees Esk and Wear Valleys Foundation Trust as key partners.

The new arrangement would cost £121k per annum more than Stockton's First Contact Children's service and full detail was detailed within the report. The new service would be established on the basis of an 'invest to save' proposal to be funded from the Transformation Fund. The savings would come from a more targeted service and ultimately a reduction in the number of referrals to Children's Social Care.

RESOLVED that:-

1. The proposal for a joint Multi-Agency Children's Hub with Hartlepool Borough Council be agreed.
2. Hartlepool Borough Council be the lead authority with appropriate delegation of function (pursuant to Section 101 of the Local Government Act 1972, Regulation 6 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 and Section 9EA of the Local Government Act 2000.
3. Responsibility for agreeing the Memorandum of Understanding between Hartlepool and Stockton Borough Councils be delegated to the Director of Children's Services in conjunction with the Deputy Chief Executive and the Lead Cabinet Member for Children and Young People.
4. The £181k first 18 months additional costs of the new service and the £31k one-off set up costs be met from the Transformation fund.
5. Cabinet receive regular updates on MACH progress once the service is operational.

CAB 97/15 LA nomination for consideration at Cabinet on 14 January 2016

Consideration was given to a report on Local Authority Governors on School Governing Bodies.

In accordance with the procedure for the appointment of school / academy governors, approved as Minute CAB 27/13 of the Cabinet (13 June 2013), Cabinet was invited to consider the nominations to school / academy Governing Bodies as attached to the report.

RESOLVED that the following appointment be made to the vacant Governorships subject to successful List 99 check and Personal Disclosure:-

Bewley Primary School - Rev Richard Brian Radley (School nomination)

CAB 98/15 Rail Franchise Announcements for Northern and Transpennine Routes

Consideration was given to a report on the recent franchising announcements and how the proposals will affect the Tees Valley. Two rail franchises in the region had been announced and the Government intended to award Northern franchise to Arriva Rail North Ltd, and TransPennine Express franchise to First

Trans Pennine Express Ltd to operate from April 2016.

In response to a 2012 DfT consultation on rail decentralisation, Local Transport Authorities (LTAs) across the north of England had formed the Rail North organisation and it proposed in partnership with the Department for Transport (DfT) to manage the services operated by the Northern and TransPennine Express franchise commences from their renewal in April 2016.

The franchise announcements had been made with the award of the Northern franchise to Arriva Rail North Ltd, and TransPennine Express franchise to First Trans Pennine Express Ltd. The Department for Transport had made the award as until April 2016 they were solely responsible for the management of the franchise. The Northern franchise would operate for 9 years with a possible 1 year extension and the TransPennine franchise is to operate for 7 years with a possible 2 year extension.

The key benefits of the new franchises were detailed within the report.

RESOLVED that the report be noted.

**CAB
99/15** **Economic Climate report**

Consideration was given to a report on the Economic Climate.

The report, and subsequent quarterly updates, provided Members with an update on information published in Stockton's Local Economic Assessment 2014, as well as key recent economic announcements.

The report was presented to Cabinet on a quarterly basis. The emphasis of each report would focus on a particular theme as follows:

- People – focusing on labour supply
- Place – focusing on key economic development locations
- Business – focusing on key sectors and businesses
- Summary Report

Each report was presented in four sections:

- i. Economic Dashboard – presents a number of key indicators which are monitored at least quarterly
- ii. Updates – summarising key announcements and developments:
 - updates – announcements with implications across key sectors and the region
 - business announcements – announcements from some of the key businesses within our Borough
 - strategic locations – a brief update on any new development at strategic business locations across the Borough
 - training & skills – provides an update on emerging news relating to skills needs and provision

Internet links had been included, where possible, to provide digital viewers of the report with more information on each announcement.

iii. Theme Review – An in depth focus, and the substantive part of the report, on key statistics affecting business, people or place. Most of the referenced statistics in the review are produced annually and cannot be updated quarterly

iv. Case Study – A relevant case study for the theme. For example, the place case study in the report focused on the Teesdale area.

RESOLVED that the content of the report be noted and the work being undertaken be supported.

CAB 100/15 Victoria Estate Regeneration: Urban Village Living (Promoting Active and Healthy Ageing)

Consideration was given to a report on the Victoria Estate Regeneration: Urban Village Living (Promoting Active and Healthy Ageing).

The report updated Members on the detailed option appraisal which was recently undertaken to explore the feasibility of developing the Victoria estate as an exemplar Urban Village, providing housing exclusively for those over the age of 55 years. Following conclusion of this exercise approval was sought to progress the 'Urban Village Living' concept through to detailed design and planning stage.

As members were aware, the Victoria estate was uniquely placed in terms of its proximity to the municipal heart of Stockton and its ease of pedestrian access to the town's retail and leisure facilities. The sites location offered an opportunity to develop a new housing offer for those aged over 55 years, one that did not exist within the Borough. The scale of the regeneration proposed would transform Victoria and bring significant inward investment which would impact positively on supporting the Council's broader vision for a vibrant Stockton town centre.

Pending Cabinet approval, it was proposed that the project moved to the detailed design, planning and feasibility stage. Next steps included for example:

- Reviewing and updating the previous masterplan exercises.
- Moving the scheme to detailed design (in essence being planning ready).
- Undertaking necessary site investigations.
- Procuring appropriate external support services (such as scheme architects / cost advice / marketing services etc.)
- Undertaking detailed financial appraisals.
- Exploring the marketing / branding issues (and the development of a Marketing Strategy)
- Examining in further detail the site boundary/sensitivity issues (detailed in paragraph para 6) and fully costing these options.
- Running in parallel with the above a wider stakeholder event be held (including VCSE partners) to both explain the 'Urban Village Living' proposal and to commence early engagement in terms of scoping joint opportunities.

As noted previously both the Council and the Thirteen Group had a joint interest in this site, on this basis it was proposed that Cabinet support the formalisation of this relationship. This would will take the form of a Memorandum of

Understanding, Cabinet were asked to delegate authority for negotiating and the signing such an agreement to the Director of Economic Growth and Development Services in consultation with the Director of HR, Legal and Communications. Members were asked to note that this does not commit the Council into a legally binding arrangement with Thirteen rather it formalised joint working and financial expenditure required to successfully complete the next stage of the project.

Pending Cabinet approval the Council and Thirteen would work collectively to progress the project through the detailed planning, design and feasibility stage (with the Victoria Board continuing to give steer and leadership). As part of this exercise options for project delivery in partnership with Thirteen would be explored. Once complete a further report would be presented back to Cabinet.

RESOLVED that:-

1. The progression of the project through to the next stage (planning, design and detailed feasibility) be supported.
2. It be recognised that the marketability of any future development will be influenced by its surroundings (actual and perceived). Cabinet therefore supported an evaluation of the sites boundaries and bring proposals / costs back to a future Cabinet meeting.
3. Approval to formalise the Councils relationship with Thirteen by entering into a Memorandum of Understanding which would detail the role and responsibilities (including financial) of both parties in undertaking the next stage of the project be delegated to the Director of Economic Growth and Development Services in consultation with the Director of HR, Legal and Communications.
4. Following completion of planning, design and detailed feasibility a further report be brought back to Cabinet.
5. It be noted that there is no additional call on resources to meet the Councils financial commitment to progress the project through to the next stage (as detailed in paragraph 14 of the report).

CAB 101/15 Yarm Back Lane and Harrowgate Lane Masterplan

Consideration was given to a report on Yarm Back Lane and Harrowgate Lane Masterplan.

The report advised Cabinet on joint working to prepare a masterplan for a strategic sustainable urban extension at West Stockton and sought approval of a masterplan for use in the determination of planning applications at the site and as an evidence base in support of the emerging Regeneration and Environment Local Plan (RELP).

The Council had identified land at Yarm Back Lane and Harrowgate Lane as housing allocations within the RELP. The RELP was at publication stage and emerging policies (H17, H18 and H19) highlighted the need for development to

be delivered in accordance with a masterplan to ensure that a sustainable urban extension of 2,150 dwellings, including associated infrastructure, was successfully delivered.

The scale of the development meant that there were numerous shared infrastructure requirements which needed to be delivered; this included but was not limited to a primary school and highway junction improvements. In addition to this there were numerous landownerships across the site. A masterplan was seen as essential in ensuring that:

- individual planning applications come forward in accordance with the masterplan to deliver a sustainable and integrated urban extension; and
- infrastructure is delivered when it is required

The purpose of this masterplan was to provide a robust and comprehensive evidence base to support the allocation of the sites and to guide individual planning applications. .

The Council had been working in collaboration with the Advisory Team for Large Applications (ATLAS), landowners and developers and agents to prepare a comprehensive masterplan for the sites.

Planning Committee had refused a planning application on part of the site, known as Tithebarn Land (planning application reference (14/2291/EIS). This decision was being appealed by the applicant and was progressing towards a public inquiry. The reasons for refusal were as follows:

- **Development does not represent sustainable development:**
In the opinion of the Local Planning Authority the proposal in coming forward ahead of an established masterplan, could lead to an unfair distribution of uses and another developer coming forward later being asked to provide more than is justified by their own development. This could make some parcels unviable and risk necessary infrastructure not being provided for the proper planning of the area, resulting in significant social and economic harm which would be contrary to the definition and aims of sustainable development as set out in the NPPF (paragraph 7, 9 and 14).

- **Highway Safety:**
The applicant has failed to provide sufficient information to satisfactorily demonstrate that the proposed development would not have a detrimental impact on highway safety and the free flow of traffic to both the Local and Strategic Highway Networks or that the impact could be satisfactorily mitigated to the reasonable satisfaction of the Local Planning Authority and is therefore contrary to guidance within policy CS2 of the Core Strategy (1&2) and paragraph 32 of the National Planning Policy Framework (NPPF).

The first reason for refusal highlighted concern with development preceding in advance of a masterplan and the implications this could have for the wider site.

The planning application, which was subject to public inquiry sought permission for 340 dwellings whilst the masterplan only distributes 250 dwellings to this element of the site. The appellant was not in agreement with the distribution of dwellings identified within the masterplan. As all elements of the collaborative

masterplan could not be agreed the Council had sought to progress a separate masterplan albeit the contents of this masterplan maintains the main elements of the collaborative process undertaken.

The masterplan, which was attached to the report, sought to:

- Outline the vision and development objectives for the site;
- Identify constraints and their impact on development;
- Identify infrastructure requirements;
- Provide a Strategic Framework Plan to shape development proposals;
- Provide clarity regarding the requirements for planning applications; and
- Provide clarity regarding the phasing and delivery of housing and infrastructure

Following allocation of the sites within the RELP the masterplan could be adopted as a Supplementary Planning Document (SPD). Should the Council decide to take the masterplan forward as an SPD so that it formed part of the Development Plan there would be a requirement for a statutory period of consultation and potentially a Strategic Environmental Assessment (SEA).

The emerging RELP was supported by an Infrastructure Strategy and Schedule which provided a strategic level assessment of the infrastructure requirements arising from the RELP as a whole. Building upon this strategic assessment, a detailed Infrastructure Delivery Plan (IDP) had been produced as part of the masterplan to co-ordinate the delivery of the infrastructure which was necessary to support residential development on the Yarm Back Lane and Harrowgate Lane sites.

The IDP drew upon the evidence base prepared to support the preparation of the masterplan and set out what infrastructure was needed and the anticipated timescales / phase of development when this should be provided. The key infrastructure requirements identified in the IDP include the provision of:

- Junction enhancements;
- Other access and transport infrastructure;
- Community hub (incorporating a primary school, community centre and neighbourhood centre);
- Green infrastructure;
- Surface water drainage infrastructure;
- Affordable housing;
- Utilities related infrastructure.

The Council had been working with landowners and developers to agree an approach to contributions and the delivery of infrastructure which was both equitable and CIL compliant. At the present time no agreement had been reached. The masterplan identified that until agreement had been reached, to the satisfaction of the Council, it would not be possible to determine planning applications at the site. The Council would continue to liaise with landowners and developers to reach agreement.

RECOMMENDED to Council that the Yarm Back Lane and Harrowgate Lane Masterplan be approved for use in the determination of planning applications and as an evidence base in support of the emerging RELP.

