

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

27th JUNE 2016

**REPORT OF SENIOR
MANAGEMENT TEAM**

CABINET DECISION

Regeneration and Transport – Lead Cabinet Member – Cllr Nigel Cooke

Stockton-on-Tees Borough Local Plan

1. Summary

This report seeks provides an update on work undertaken since the last report to Cabinet in December 2015 namely an evidence base review and recommendation as to the most appropriate course of action in respect of the production of a Local Plan and associated documents.

The report seeks agreement to delegate preparation, approval and publication of key documentation throughout the plan preparation process to enable the Council to respond as swiftly as possible to changes to the planning system which could affect future progress

2. Recommendations

It is recommended that Cabinet:-

1. Agree to begin the production of a new Local Plan which will replace existing policy documents and supersede the previous approach of the production of the Regeneration and Environment Local Plan.
2. Agree to delegate the production, publication, consultation and submission of the Local Plan to the Cabinet Member for Regeneration and Transport and the Director of Economic Growth and Development.
3. Agree to delegate the production, maintenance and revision of the Local Development Scheme to the Cabinet Member for Regeneration and Transport and the Director of Economic Growth and Development.
4. Agree to delegate the production, consultation and adoption of the Council's Statement of Community Involvement to the Cabinet Member for Regeneration and Transport and the Director of Economic Growth and Development.
5. Delegate responsibility to the Director of Economic Growth and Development to inform all relevant stakeholders, partners and authorities of the Councils intention to produce a Local Plan and to consult on the content of supporting documents where required.
6. Note the intention to begin a review of the Council's suite of Supplementary Planning Documents.

3. Reasons for the Recommendation(s)/Decision(s)

1. To fully take in to account the implications of changes to the national planning system and the Council's Evidence Base Review, as well as providing notification of the Council's intention to produce a Local Plan
2. To ensure that the Council produces a statutory Local Plan as quickly as possible and which meets the Government's deadline and legislative requirements for the production of a local plan.
3. To provide flexibility to allow the Council to respond quickly to changing legislation, regulations and national planning guidance.
4. To provide the opportunity to conduct a focused review and update the current Statement of Community Involvement
5. To inform Members of consultation activity that will take place prior to reporting of future progress on the development of the Local Plan.
6. To inform Members of the intention to undertake review the Council's suite of Supplementary Planning Documents to ensure they are up to date, relevant and fit for purpose.

4. Members' Interests

Members (including co-opted Members) should consider whether they have a personal interest in any item, as defined in **paragraphs 9 and 11** of the Council's code of conduct and, if so, declare the existence and nature of that interest in accordance with and/or taking account of **paragraphs 12 - 17** of the code.

Where a Member regards him/herself as having a personal interest, as described in **paragraph 16** of the code, in any business of the Council he/she must then, **in accordance with paragraph 18** of the code, 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 and the business:-

- affects the members financial position or the financial position of a person or body described in **paragraph 17** of the code, or
- relates to the determining of any approval, consent, licence, permission or registration in relation to the member or any person or body described in **paragraph 17** of the code.

A Member with a personal interest, as described in **paragraph 18** of the code, may attend the meeting but must not take part in the consideration and voting upon the relevant item of business. However, a member with such an interest may make representations, answer questions or give evidence relating to that business before the business is considered or voted on, provided the public are also allowed to attend the meeting for the same purpose whether under a statutory right or otherwise (**paragraph 19** of the code)

Members may participate in any discussion and vote on a matter in which they have an interest, as described in **paragraph 18** of the code, where that interest relates to functions of the Council detailed in **paragraph 20** of the code.

Disclosable Pecuniary Interests

It is a criminal offence for a member to participate in any discussion or vote on a matter in which he/she has a disclosable pecuniary interest (and where an appropriate dispensation has not been granted) **paragraph 21** of the code.

Members are required to comply with any procedural rule adopted by the Council which requires a member to leave the meeting room whilst the meeting is discussing a matter in which that member has a disclosable pecuniary interest (**paragraph 22** of the code)

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SUMMARY

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The report seeks agreement to delegate preparation, approval and publication of key documentation throughout the plan preparation process to enable the Council to respond as swiftly as possible to changes to the planning system which could affect future progress.

RECOMMENDATIONS

It is recommended that Cabinet:-

1. Agree to begin the production of a new Local Plan which will replace existing policy documents and supersede the previous approach of the production of the Regeneration and Environment Local Plan.
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6. Note the intention to begin a review of the Council's suite of Supplementary Planning Documents.

Reasons for the Recommendation(s)/Decision(s)

1. To fully take in to account the implications of changes to the national planning system and the Council's Evidence Base Review, as well as providing notification of the Council's intention to produce a Local Plan.
2. To ensure that the Council produces a statutory Local Plan as quickly as possible and which meets the Government's deadline and legislative requirements for the production of a local plan.
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DETAIL

Background

1. Cabinet will be aware of the intention to produce a Regeneration and Environment Local Plan (RELP), made up of three separate documents which identify specific development sites and environmental designations to support and supplement the vision and overarching policies in the adopted Core Strategy.
2. In 2012, the remit of the RELP was expanded to include policies which would replace the housing strategy within the adopted Core Strategy alongside the existing Regeneration DPD, the Environment DPD and the Yarm and Eaglescliffe Area Action Plan, forming a single document.
3. Following consultation in 2012 and March 2015, Cabinet agreed to a review of the evidence base that underpins the RELP. The evidence base review has taken place and alongside a changing National Planning Policy Framework (NPPF) has led to the view that in order to achieve the most robust policy position for the Borough, a new Local Plan document ought to be produced, replacing existing policy documents.

Future of the Regeneration and Environment Local Plan

4. The report to Cabinet in December 2015 agreed to the evidence base review and also referenced that two potential courses of action could emerge, those being;
 - A minor re-draft of the policies within the document and further re-consultation on a revised RELP; or
 - The need to prepare a 'new' Local Plan, as the necessary changes recommended in the evidence base review would be so significant that they would require the Council to return to an earlier stage of plan preparation.
5. **Appendix A** to this report provides a summary table of the issues affecting the soundness of the RELP. With regard to the evidence base review, the table highlights that major changes could be required to the RELP to make it 'sound' including major changes to the development strategy of the area and specific site designations.

6. In addition to the evidence base review, other factors now influence how plan making proceeds. Changes to the planning system and the outcomes of Public Inquiries and High Court judgements in respect of planning applications have undermined policies within the Adopted Core Strategy.
7. The RELP must be prepared in accordance with a number of legal and procedural requirements set out in planning legislation and regulations. The plan must also be in conformity with the NPPF. Meeting these requirements whilst incorporating the changes outlined above, will require the Council to return to an early stage in the plan-making progress.
8. As set out above, the original purpose of the RELP was to identify the site allocations and designations to deliver the Core Strategy. However, the Core Strategy (2010) was adopted prior to the Localism Act (2011) and publication of the NPPF (2012). These documents abolished the regional tier of the plan making system and replaced and streamlined all national planning policy.
9. The abolition of regional planning led to the Regional Spatial Strategy (RSS) eventually being revoked. The housing and employment requirements, as well as other policies in the Core Strategy were based on the RSS. Subsequent legal challenges and planning examinations have established that planning policy documents based on RSS figures or adopted prior to the publication of the NPPF should not be considered sound.
10. Ignoring these matters and progressing the plan, could result in legal and procedural issues being raised should the RELP progress to examination in public. Should the Planning Inspectorate (PINS) find the document sound, these issues could also be the basis of a legal challenge. There is therefore a high risk that the Council could proceed to examination in public only for the submitted plan to fail or to be subject to a legal challenge.
11. Officers are also mindful of the Government's recent consultation on their plans to withhold New Homes Bonus payments from Councils that have not submitted a local plan. Indications are that this will apply where a plan has not been submitted before the end of March 2017. The loss of this funding could result in a significant financial implication for the Council.
12. Given the above changes to the national planning system,, officers recommend that in order to achieve the most robust policy position and to be pro-active in adopting new national policies, Cabinet agree to the production of a single Local Plan document which will replace existing policy and all work undertaken to date on the RELP.

A New Local Plan for Stockton-on-Tees Borough

13. It is intended that the new Local Plan will set out a vision and policy framework for the future development of the area, facilitating the delivery the emerging Economic Strategy, identifying and responding to needs and opportunities in relation to all forms of housing, including student accommodation, the economy, community facilities and infrastructure. It will also seek to safeguard the environment, respond to climate change and secure good design.
14. The draft document profile of the Local Plan and that of the accompanying proposals map is included at Appendix B, this will be finalised and included in the Local Development Scheme along with the timetable for production of the document.
15. In the interests of shaping and enabling the future growth of the Borough, officers recommend that Cabinet agree to delegate authority to the Cabinet Member for Regeneration and Transportation and the Director of Economic Growth and Development

for the production, consultation, and submission of the Local Plan. Under this recommendation, the Local Plan will be presented to Cabinet prior to adoption.

16. Should this recommendation be agreed, officers will begin preparing a new Local Plan and inform all relevant stakeholder partners and authorities as to the Council's decision.
17. Opportunities for Member involvement in the plan preparation process will be provided through member seminars at key milestones, updates to Planning Committee and a progress report to Cabinet in March 2017.

Supporting Documents

18. A new Local Plan will be subject to a number of additional documents which direct the timetable and consultation requirements of the strategy. These include:
 - The Local Development Scheme (LDS) which sets out the documents which will comprise the Local Plan for the area and a timetable for their production. It is and will be publicly available and kept up to date.
 - The Statement of Community Involvement (SCI) which sets out how the Council will engage with communities when producing the Local Plan. Given the likelihood that there will be further changes to the Local Plan system in the near future, delegation of the production of the LDS and SCI provides flexibility to officers to respond to expected changes which may affect progress of the Local Plan.
19. In addition, the new Local Plan must also be supported by a number of documents required by the Local Planning Regulations which inform, direct and support emerging policies, including:
 - **Consultation Statement:** outlining the consultation undertaken throughout the plan preparation process; detailing how representations received have been considered and have influenced the content of the final policies.
 - **Infrastructure Strategy and Infrastructure Schedule:** sets out baseline infrastructure and assesses what additional infrastructure will be needed to deliver the development identified in the plan. The Schedule will detail up to date cost estimates, timings, funding sources and mechanisms, and those responsible for delivering individual infrastructure projects.
 - **Sustainability Appraisal:** assesses the social, economic and environmental effects of the policies in the plan as a whole. It will incorporate a Strategic Environmental Assessment (SEA) which focuses on the environmental impacts of the policies.
 - **Habitat Regulations Assessment:** assesses the potential impact of the plan on the integrity of any European designated sites which includes Special Areas of Conservation (SACs) and Special Protection Areas for birds (SPAs).
 - **Duty to Co-operate Statement:** identifies how the Council have engaged with partners to fulfil the requirements of the duty as specified within the NPPF.
20. Cabinet should note that the production of the Local Plan requires these documents to be produced and consulted on with key stakeholders and the public, a task which officers will begin as soon as possible. It should also be noted that drafting these documents is a significant undertaking which will also need to be programmed in to the timetable for the preparation of the plan and considered in the preparation of the Local Development Scheme.
21. The Council has produced Supplementary Planning Documents (SPDs) which expand upon saved Local Plan and Core Strategy policies and help applicants to make successful submissions for planning permission. A new Local Plan will replace existing policies,

creating a need to review the supporting SPDs. This presents an opportunity to review and simplify, where possible, the suite of SPDs, to make sure they are up to date, fit for purpose and relevant.

Next Steps

22. In order to begin work on the new Local Plan, it will be important to notify and engage with stakeholders and duty to cooperate partners. The following timetable provides an indication of activities and milestones in the production which will take place before progress on the Local Plan:
- June 2016 – Department of Communities and Local Government and PINS contacted to confirm that work on the production of the RELP will cease and that the Council is preparing a new Local Plan.
 - July 2016 – Delegated approval agreed for new Local Development Scheme.
 - July 2016 – LDS forwarded to key stakeholders and duty to co-operate partners. Request made for initial views on issues and challenges which should be considered and incorporated in to a new Local Plan.
 - July 2016 – Consultation on Statement of Community Involvement / Sustainability Appraisal Scoping Report. Consultation extended to reflect summer holiday period.
 - October 2016 – Statement of Community Involvement Adopted
 - Following this, plan production will proceed in accordance with the timescales which will be set out in the Local Development Scheme. Officers will report progress and next steps to Cabinet in March 2017.
23. A summary of key milestones throughout the preparation and consultation process is set out within **Appendix B**
24. There is a commitment to continuous engagement with relevant stakeholders, Members and Duty to Cooperate partners throughout the plan preparation process as appropriate to identify and address issues and challenges.

COMMUNITY IMPACT IMPLICATIONS

25. This report does not propose or recommend a new policy, strategy or a change in the delivery of a service. This report recommends a process and timetable for policy formulation and production of Local Plan documents. It highlights the risks and responsibilities and as such formal community impact assessment is not required. The final Local Plan documents will apply to all parts of the Borough and to residents, visitors and businesses and on all parts of the community and will be subject to separate assessment.

FINANCIAL IMPLICATIONS

26. The work arising from the approach recommended in this report will be undertaken within existing budgetary provisions.

LEGAL IMPLICATIONS

27. The Council is required to produce a local plan for the area by the Planning and Compensation Act 2004. The procedures for the preparation of local plans and the stages of plan production, which includes a Publication consultation and Examination-in-Public, are identified in the Town and Country Planning (Local Planning) (England) Regulations 2012. Further guidance on the form and content of local plans is contained in the National Planning Policy Framework (NPPF) which requires plans to be supported by up-to-date and relevant evidence about the economic, social and environmental characteristics of the area. It also requires plans to be positively prepared, justified, effective and consistent with national policy. Further guidance is also provided by National Planning Policy Guidance (NPPG). Whilst there are currently no penalties for the failure to produce a local plan, in

“Fixing the Foundations: Creating a more prosperous nation,” (Cm 9098 July 2015) the government announced that it would bring forward proposals to significantly streamline the length and process of local plans. These included publishing league tables setting out local authorities’ progress on plan production and setting a deadline for local plans to be in place. Where authorities failed to make progress, the Secretary of State for Communities and Local Government would intervene and arrange for local plans to be written in consultation with local people. The deadline was subsequently announced as early 2017.

RISK ASSESSMENT

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

COUNCIL PLAN POLICY PRINCIPLES AND PRIORITIES

29. Economic Regeneration and Transport – the Local Plan will introduce policies to support the economic regeneration of the Borough and to support the provision of transport infrastructure.
30. Environment and Housing – the Local Plan will contain policies to protect and enhance the environment of the Borough and identifies sites for housing as well as providing a target for the provision of affordable homes and housing mix.
31. Safer Communities – the Local Plan will support the creation of mixed sustainable communities which contributes to safer communities.
32. Children and Young People- the Local Plan will support the provision of community facilities, and supporting infrastructure for development such as schools, open space and recreation facilities for children and young people.
33. Health and Wellbeing – the Local Plan will support community health and contains policies which seek the provision of open space and recreational facilities to provide opportunities for play and exercise.
34. Stronger Communities – the Local Plan will support the creation of mixed sustainable communities.
35. Adults – the Local Plan will support the creation of a high quality environment for present and future generations where all members of the community have the opportunity to achieve their full potential through the provision of a vibrant economy, a safe and healthy environment and dynamic educational and cultural resources.
36. Arts Leisure and Culture- the Local Plan will support the provision of cultural facilities and encourages opportunities to create civic space for performances and events and social interaction.
37. Organisational Effectiveness – the Local Plan will provide the basis for the determination of planning applications and as such will facilitate efficient decision-making and discharge of the development management function. It facilitates and supports wider Council priorities, strategies and projects.

CORPORATE PARENTING IMPLICATIONS

N/A

CONSULTATION INCLUDING WARD/COUNCILLORS

No specific consultation has been undertaken with ward members as its subject affects all wards of the Borough.

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Education related: No

Background Papers

- Planning and Compensation Act 2004.
- The Town and Country Planning (Local Plan) (England) Regulations 2012.
- National Planning Policy Framework 2012.
- National Planning Policy Guidance 2014.
- National planning policy and issues of housing land supply from a North East and Stockton perspective. Northumbria University for the Institute of Local Governance (ILG) March 2015.
- Fixing the foundations: Creating a more prosperous nation. Cm 9098 July 2015.
- Ministerial statement on Local Plans by Brandon Lewis Minister of State for Housing and Planning September 2015.
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Ward(s) and Ward Councillors: N/A

Property N/A

Appendix A – Summary of RELP issues and challenges.

Evidence base document	Potential outcomes	Implications
Objectively Assessed Housing Need (OAHN or OAN)	The OAHN could result in a different housing requirement, and consequently further land required to satisfy this need.	Potential for the OAHN to require significant amendment to the housing requirement for the Borough, emerging policies and supporting documents.
Employment Land Review	Replacement of Core Strategy / RSS Employment Land Requirement	Potential for the employment land requirement to be significantly different to that of the Core Strategy - altering the strategy of the plan.
	De-allocation of sites or identification of further sites.	Potential to lead to further redrafting of policies. Dependent on outcomes significant amendments to policy could be required.
Strategic Housing Market Assessment and Affordable Housing Viability Assessment	These documents will have numerous outputs including needs and viability of market and affordable housing, which could be different to existing.	Potential to require significant amendments to policy.
Retail Capacity Study	Requirement for town centre uses.	Floor space requirement may depart significantly from the Core Strategy which only covered the period to 2011.
	Site selection	A significantly revised requirement may give rise to the need for new locations to be identified, or alternative criteria based strategy for dealing with needs.
	Impact Assessment Thresholds	The study will evidence and advise on a suitable local town centre impact threshold. This is the trigger (sq. m floor space) when a proposal would need to submit an impact assessment – it may differ from existing.
	Role of Town, District, Local, Neighbourhood Centres.	The study is also considering this issue having regard to impact of changing circumstances and the market share of these centres – it may lead to reconsideration of town centre hierarchy.
Open Space Assessment	The study is on-going. It will identify standards for open spaces to replace those contained within the Open Space, Recreation and Landscaping SPD. Alongside this the Council have prepared a Playing Pitch Strategy and Built Facilities Strategy	The evidence base review will lead to amendments to policy contained within the Local Plan. It will also lead to changes to the policies map
Green Wedge Review	Anticipated that the study will have similar outcomes as previously prepared (2014). Noted that the review will need to consider where permission has been approved and other changes in circumstances.	Following the High Court judgement at Low Lane the Council are reliant upon the extent of the 'green fingers' identified on the Core Strategy Strategic Diagram. This has dramatically reduced the extent of the green wedge and has potential to weaken the Councils position to refuse planning applications on land no longer identified as Green Wedge. The only way to resolve this matter is for the Local Plan to replace/supersede Core Strategy policy.
Other documents such as the Whole Plan Viability Study, Infrastructure Strategy and Schedule are likely to require update given the age of the evidence which underpins them, and the sites which they are intended to evidence delivery.		

Appendix B – Draft LDS Document Profile

Stockton on Tees Borough Local Plan

Status: Development Plan Document

Subject Matter: The Local Plan will set out the overall strategy and policies for the development and use of land in locations across the Borough. The Local Plan will:

- set out the authority's strategic policies, site allocations, designations, and management policies relating to residential, commercial and leisure proposals.
- include policies relating to the transport, renewable energy, community facility, open space, and communications infrastructure required to make existing communities and proposed developments sustainable.
- set out Borough wide strategic policies, site designations and management policies concerning the built and natural environments, relating to heritage assets, landscape designations and protection and enhancement of natural habitats.

Geographical Area: Borough wide.

Conformity: With the National Planning Policy Framework (and other guidance), legislation and regulations. Consultation to take place in accordance with Statement of Community Involvement.

Joint Development Plan Document: n/a

Document Profile: Stockton on Tees Borough Policies Map

<i>Milestone</i>	<i>Date</i>
<i>1. Completion of Evidence Base Review</i>	<i>July 2016</i>
<i>2. Targeted engagement</i>	<i>July to August 2016</i>
<i>3. Plan preparation Consultation</i>	<i>October to November 2016</i>
<i>4. Update report on working draft to Cabinet</i>	<i>March 2017</i>
<i>5. Publication Draft Plan Consultation</i>	<i>June-July 2017</i>
<i>6. Submission of Draft Plan</i>	<i>September 2017</i>

Other Matters

Lead Organisation: Stockton-on-Tees Borough Council

Community and Stakeholder Involvement: Prior to consultation on options, initial consultations will be undertaken with specific and general consultation bodies for their views and advice on the realistic and reasonable scope and content of the plan.

Review: Monitored annually and reviewed if this highlights a need. Otherwise document will be formally reviewed once every five years.