

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

10 NOVEMBER 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 provides an update on work undertaken since the last report to Cabinet in June 2016 namely progress on the production of a Draft Local Plan for consultation, completion of an evidence base review, consultation on and refinement of the Statement of Community Involvement and completion of a Sustainability Appraisal.

The report follows a report to Planning Committee for use of the Draft Local Plan and Sustainability Appraisal for consultation and seeks a recommendation from Cabinet to Council to approve the documents for consultation.

2. Recommendations

It is recommended that Cabinet:-

1. Note comments from Planning Committee on the Draft Local Plan, Policies Map and Sustainability Appraisal and adoption of the Statement of Community Involvement
2. Endorse consultation on the Draft Local Plan, Policies Map and Sustainability Appraisal and recommend approval from Council for the use of the Draft Local Plan, Policies Map and Sustainability Appraisal for consultation
3. Approve delegation for any minor changes to the Draft Stockton on Tees Local Plan, Policies Map and Sustainability Appraisal to the Director of Economic Growth and Development in consultation with Chair of Planning Committee and Cabinet Member for Regeneration and Transport
4. Endorse adoption of the Statement of Community Involvement and recommend to Council that The Statement of Community Involvement be adopted
5. Note the proposed timescales for consultation on the Draft Local Plan, Policies Map and Sustainability Appraisal

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

1. To ensure that the Council produces a Local Plan as quickly as possible and which meets the Government's deadline and legislative requirements for the production of a local plan and associated documents.

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 follows approval by Planning Committee for use of the Draft Local Plan and Sustainability Appraisal for consultation and seeks a recommendation from Cabinet to Council to approve the documents for consultation.

RECOMMENDATIONS

It is recommended that Cabinet:-

1. Note comments from Planning Committee on the Draft Local Plan, Policies Map and Sustainability Appraisal and adoption of the Statement of Community Involvement
2. Endorse consultation on the Draft Local Plan, Policies Map and Sustainability Appraisal and recommend approval from Council for the use of the Draft Local Plan, Policies Map and Sustainability Appraisal for consultation
3. Approve delegation for any minor changes to the Draft Stockton on Tees Local Plan, Policies Map and Sustainability Appraisal to the Director of Economic Growth and Development in consultation with Chair of Planning Committee and Cabinet Member for Regeneration and Transport
4. Endorse adoption of the Statement of Community Involvement and recommend to Council that The Statement of Community Involvement be adopted
5. Note the proposed timescales for consultation on the Draft Local Plan, Policies Map and Sustainability Appraisal

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

1. 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 and associated documents.

DETAIL

Background

1. At meeting of on 27th June 2016, Cabinet gave approval to begin the production of a new Local Plan to replace existing policy documents and supersede the previous approach of the production of the Regeneration and Environment Local Plan.
2. Since then, work has been underway to produce a Draft Local Plan, associated documents and evidence base review to enable consultation on the Draft local Plan and Sustainability Appraisal to be undertaken.
3. It is intended that the Local Plan will set out a vision and policy framework for the future development of the area, 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.

Approval to Consult

4. In order to gain proper approval to consult on the Draft Local Plan and associated documents, comments from Planning Committee, endorsement by Cabinet and approval from Council is required. As such, all documents were presented to Planning Committee on 3rd November 2016 with the following recommendations;
 1. Note the content of the Draft Stockton on Tees Local Plan, Policies Map and Sustainability Appraisal and provide comments for consideration by Cabinet and Council
 2. Note the current position in the production of the Habitats Regulations Assessment as set out in paragraph 25 (Planning Committee Report).
 3. Note that any minor changes to the Draft Stockton on Tees Local Plan and Policies Map and associated documents prior to public consultation are recommended for delegation to the Director of Economic Growth and Development in consultation with Chair of Planning Committee and Cabinet Member for Regeneration and Transport.
 4. Note that the Statement of Community Involvement is recommended for adoption by Council.
 5. Note the position regarding housing projections and five year supply as set out at paragraphs 28 and 29 (Planning Committee Report)

5. A summary of comments from planning committee and responses given at the meeting on 3rd November is set out below

Comment	Response
Glossary of terms required and a reduction of acronyms	A glossary of terms will be included and level of acronyms addressed.
Suggested that Page 10 para 2.4 includes a reference to Eaglescliffe station which has direct rail links to London. Reference should also be made to the fact that Thornaby and Yarm stations have direct links to Manchester	Comments noted and amendments will be inserted.
Page 18 para 4.5. Is it appropriate to use the trends from 2004 – 2014 to assess housing need in the borough?	The methodology follows Government guidance and is consistent with the base date for DCLG and ONS projections
On p.19 para 4.7 the document states that the affordable housing requirement may result in an increase in the Local Plan housing requirement. Is this an option which the Council would seriously consider?	This is an issue which requires consideration and has been put out to consultation for views from stakeholders and the community.
The strategic gap between Yarm and Kirklevington is unclear, in particular how it is represented on the key diagram. Issues raised in relation to strategic gaps and green wedge when considering applications which went to appeal. What weight would the plans hold?	Comment noted the Local Plan requires a key diagram and these are often 'abstract' plans. It was explained that once the Local Plan was adopted it would hold weight however not until it had been through consultation and approved by an inspector.
How does additional housing benefit areas (reference in particular to south of the Borough)	New housing is key contributor to economic growth which will benefit all residents.
With reference to page 44 question was raised as to what level of traffic Yarm can sustain?	Reiterated that there was no new allocation proposed in Yarm or Eaglescliffe in the draft document, Traffic impact of existing permission was covered as part of approval process
The document suggests further improvements to the A19 - A689. What other improvements are there to the rest of the A19?	SBC will continue to work with Highways England to identify appropriate interventions to provide capacity on the strategic road network.
The document references Sustainable Urban Drainage Systems at p.99. Who is responsible for maintenance?	Explained the position relating to SUDs and referred to paragraph 8.39
Page 79 There was no mention of weak bridges / weight restrictions. reference was made to weight restriction at Junction Road and the Horse and Jockey roundabout?	There are two types of weight restrictions 'structural' weight restrictions and 'environmental' weight restrictions. There are examples of both across the Borough, so weight restrictions are not just because of structural issues.
Is the Cayton Drive residential site still identified as Green Wedge?	Confirmed that the area of Cayton Drive was highlighted in yellow which indicated committed development. Also explained that the area could not be shown as Green wedge as it had outline planning consent.

Page 48 para 5.14 Billingham Campus was there an intention to put 150 units on Neasham Avenue or facing Neasham Avenue?	It was indicative and there was still work to be done on the masterplan. It was being flagged as an indicative allocation.
On page 49 the West Stockton policy identifies that the primary school will be part of the community Hub. Master Plan , because of linear nature the primary school would move slightly further away from the community hub?	West Stockton Master Plan was separate document will evolve. Comment would be taken on board.
Transport issues. The Council should be trying to get direct access to A19 from Ingleby Barwick	The request for new access would be noted. If put in plans would need justifying with Highways England and the scheme would have to be deliverable.
Page 47 para 5.13 South of Junction Road how can the new village green be enforced?	Explained that the site is a Council asset so the Council has the ability to steer development to create a distinctive place for future residents.
Where is the new Tees Crossing to be located?	Work is currently underway to identify the potential route of the new Tees crossing.
What was to be done in relation to the congestion at the Cleveland Bay Junction Eaglescliffe	Comments noted regarding local traffic congestion
The original Master Plan for Ingleby Barwick detailed a bypass, was this still a possibility?	The bypass was the Thornaby Bypass Stage 4 and was not included in this draft plan.
There needs to be something done to take traffic from Thornaby Ingleby and Yarm to A19..	Comment to be noted however there were no further allocations to be proposed.
Page 83 Cycleways – footbridge from Ingleby Barwick to Preston Park, there was no mention in the documentation.	Referred to Page 70 policy T11 para 4a the point would be addressed generically.
Map 19 Police tactical training centre. There had been approval from an employment site close to this, had this expired?	The site had a long standing allocation for employment use. In 2012 we sought to de-allocate the site from this use and reallocate it for housing. Due to noise constraints related to the Police Tactical Training Centre the draft housing allocation has been removed and the limit to development changed. The Council has also undertaken an Employment Land Review which confirmed the de-allocation of the site/
Concern regarding the wording of the title on Page 128 Appendix 3	Noted potential for this to be re titled to be clearer
Has the East Billingham Transport Corridor been removed from the plan?	It is not included in the Draft Local Plan.
Could new cemetery provision be made next to the proposed crematorium?	Comment noted.

6. The next stage of the approval process requires Cabinet to note comments from Planning Committee and to consider them alongside the recommendations within this report. Should Cabinet approve all recommendations within this report, a further report to reflect this will be presented to a meeting of full Council on November 17th 2016, where final approval to undertake consultation will be sought.

A New Local Plan for Stockton-on-Tees Borough

7. The Draft Local Plan and accompanying Policies Map for consultation is included at **Appendix 1 and Appendix 2**

Supporting Documents

8. The Draft Local Plan is supported by a number of additional documents which direct the timetable and consultation requirements of the strategy. These include:

The Statement of Community Involvement (SCI) sets out how the Council will engage with communities when producing the Local Plan. This document has been consulted upon and a Consultation Statement attached to the SCI sets out the representations received and our response to them. This document is available at **Appendix 4**

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. The LDS is available to view on the Council's website.

9. In addition, the Draft Local Plan is supported by a number of documents required by the Local Planning Regulations which inform, direct and support emerging policies, as detailed below:
10. Sustainability Appraisal (SA) - This is a statutory document which informs the preparation of a Local Plan. It outlines 16 sustainability objectives and uses these to assess the sustainability of the plan's vision and objectives and the likely effects of the implementation of the plan's policies, site allocations and designations. The SA compares all reasonable alternatives including the preferred approach and assesses these against the baseline environmental, economic and social characteristics of the area and the likely situation if the Local Plan were not to be adopted. The SA is an iterative process that informs each stage in the development of the Local Plan. It has allowed the draft Local Plan policies to be developed and strengthened to ensure a more sustainable outcome. This document is available at **Appendix 3**
11. Habitats Regulations Assessment (HRA) – This assessment is a statutory requirement if it is considered likely that a plan or project will have significant effects on European habitats or species, located in the local planning authority's area or in its vicinity. Like the SA, the HRA informs policies in the draft Local Plan and will be available in advance of Council meeting on 17th November.
12. Following the proposed period of consultation, the Local plan will be refined and the revised version (Publication Draft), will be accompanied by a further complement of supporting documents set out below:
 - Infrastructure Strategy and Schedule which identifies 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.

- Consultation Statement which outlines the consultation activities undertaken in the preparation of the Stockton on Tees Local Plan to fulfil the requirements of Regulation 22 (1) (c) of the Town and Country Planning (Local Planning) (England) Regulations 2012. This will set out the bodies and persons the local planning authority invited to make representations, how those bodies were invited to make representations, the number of representations made and a summary of the main issues raised, and how the representations have been taken into account in the preparation of the Stockton on Tees Local Plan
- Duty to Cooperate Statement which identifies how the Council have engaged with partners to fulfil the requirements of the duty as specified within the NPPF.

13. The wider evidence base documents which underpin the approach and policies in the Local Plan are listed in the draft Local Plan Appendix. These and the remaining documents will be available on the Council website at the beginning of the consultation period.

Consultation Period

14. Subject to Cabinet and Council approval, consultation on the Draft Local Plan and Sustainability Appraisal will take place for a period of nine weeks running from 21st November 2016 to 20th January 2017
15. A detailed consultation plan has been produced and can be viewed made available on the Councils website in advance of the consultation period

Next Steps

16. The following timetable provides an indication of activities and milestones in the production the Local Plan:
- 'Regulation 18' period of public consultation - 21st November 2016 to 20th January 2017.
 - Spring 2017- Review and amend documents in response to representations received.
 - Summer 2017- Prepare the 'Publication Draft' version of the Local Plan, associated documents and the evidence base for the 'Regulation 19' stage public consultation.
 - Autumn 2017- Submission of Local Plan associated documents and evidence base for Examination in Public

COMMUNITY IMPACT IMPLICATIONS

17. 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 consultation. 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

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

LEGAL IMPLICATIONS

19. The Stockton on Tees Local Plan have been prepared under the relevant provisions 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 and 2009, which until April 2012, made provisions for the operation of that system. Since April 2012, documents have been prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, which includes saving provisions for work undertaken in line with the previous regulations. Failure to comply with the provisions of the Act or Statutory Regulations may result in all or part of the documents being challenged in the High Court under section 113 of the 2004 Act, which if successful may lead to all or part of an adopted Development Plan Document being quashed.

RISK ASSESSMENT

20. 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

21. 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.
22. 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.
23. Safer Communities – the Local Plan will support the creation of mixed sustainable communities which contributes to safer communities.
24. 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.
25. 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.
26. Stronger Communities – the Local Plan will support the creation of mixed sustainable communities.
27. 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.
28. 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.
29. 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.
- Report to Cabinet 27th June 2016

Ward(s) and Ward Councillors: N/A

Property N/A