

## CABINET ITEM COVERING SHEET PROFORMA

**AGENDA ITEM**

**REPORT TO CABINET**

**15 MARCH 2018**

**REPORT OF SENIOR  
MANAGEMENT TEAM**

### **CABINET/COUNCIL DECISION**

**Regeneration and Housing – Lead Cabinet Member – Cllr Nigel Cooke**

#### **LOCAL PLAN UPDATE**

1. Summary

This report updates Members on work undertaken since the last report to Cabinet in September 2017 in respect of submission of the publication draft version of the Local Plan - supporting documents and evidence base and seeks approval for delegation for amendments to the draft plan both prior to, during and after Examination in Public to enable the next stage of progress towards adoption.

2. Recommendations

#### **Cabinet Decisions**

1. Cabinet delegate approval of amendments, variations, modifications, revisions, withdrawals or revocations to the Publication Draft Local Plan recommended by the Inspector appointed to examine the local plan in advance of Examination in Public to the Director of Economic Growth and Development in consultation with the Cabinet Member for Regeneration and Housing.
2. Cabinet delegate approval of amendments, variations, modifications, revisions, withdrawals or revocations to the Publication Draft Local Plan recommended by the Inspector appointed to examine the local plan following Examination in Public to the Director of Economic Growth and Development in consultation with Cabinet Member for Regeneration and Housing.
3. Cabinet delegate approval of amendments, variations, modifications, revisions, withdrawals or revocations to the Publication Draft Local Plan that are recommended by the Inspector appointed to examine the local plan during the Examination in Public to the Director of Economic Growth and Development and such other officers as he may nominate.

#### **Council Decisions**

4. Cabinet recommend that Council endorse the request that in the event that further modifications are required to the Local Plan in accordance with section 20(7B) of the Planning and Compulsory Purchase Act 2004 to ensure the plan satisfies the requirements in section 20(5)(a) of the 2004 Act and is a sound document, that the Inspector appointed to carry out the examination of the Stockton on Tees Local

Plan, be requested to recommend modifications of the document, in accordance with section 20(7C) of the 2004 Act and that the determination of the modifications to be requested to be made be delegated to the Director of Economic Growth and Development and such other officers as he may authorise.

5. Cabinet recommend that Council delegate approval to consult, where necessary, on the main modifications recommended by the Inspector appointed to examine the Local Plan or additional modifications to the Publication Draft Local Plan following Examination in Public and before adoption of the Local Plan to the Director of Economic Growth and Development in consultation with Cabinet Member for Regeneration and Housing

### 3. 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.

### 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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**RECOMMENDATIONS**

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**Council Decisions**

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and before adoption of the Local Plan to the Director of Economic Growth and Development in consultation with Cabinet Member for Regeneration and Housing.

### 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.

### **DETAIL**

#### **Background**

1. In June 2016, Cabinet agreed to the production of a new Stockton on Tees Local Plan (STLP) and supporting documents to replace the existing policy documents and supersede the previous approach of the production of the Regeneration and Environment Local Plan.
2. Members will recall consideration the Regulation 18 Consultation version of the draft STLP and supporting documents in November 2016. Followed by a report to Cabinet seeking approval for consult on the Publication Draft Local Plan in September 2017.

#### **Progress to Date and Ongoing Work**

3. Following approval to consult on the Publication Draft Local Plan, a six week consultation was undertaken. Drop in sessions for the public, stakeholders and members were held across the Borough with a total of 411 representations made from 116 individuals. All of the representations and summary of responses are set out within the Consultation Statement which is available on the Council's website.
4. Following consideration of representations and completion of accompanying evidence base and supporting documentation, the Publication Draft Local Plan and all supporting documents was submitted for examination to the Secretary of State on 21<sup>st</sup> December 2017.
5. Matthew Birkenshaw has been appointed as Planning Inspector for the Examination in Public (EiP) with the date of 5<sup>th</sup> June 2018 set as the opening day of what is expected to be a three week EiP.
6. In the lead up to EiP, the Planning Inspector will identify specific matters where he requires more clarity or greater explanation and which could require officers to reflect on the proposed policy wording or policy principle resulting in a proposed amendment, variation, modification, revision, withdrawal or revocations to the Local Plan which the Planning Inspector will then consider at the EiP. Furthermore the Inspector can also recommend amendments, variations, modifications, revisions, withdrawals or revocations for inclusion.
7. It is possible that the outcome of the various matters scrutinised at the EiP will be the need for modifications to the plan in order that the plan meets the tests of soundness within the National Planning Policy Framework. At this stage, any modifications will be at the recommendation of the Planning Inspector and will therefore be crucial to the plan being found to be sound by the Planning Inspector.
8. A period of public consultation may be required for modifications that emerge from the EiP before they are incorporated into what will be the Publication Draft Local Plan including main modifications which will then be presented to Cabinet and ultimately Council for formal adoption.

9. During the consultation period, briefing sessions will be held for members to ensure any queries around modifications to the plan can be fully explained and that members have opportunity to formally comment on modifications before it is presented to Council for adoption. It is expected that the plan will be in position where it is presented to Council for adoption in Autumn 2018.

## **COMMUNITY IMPACT IMPLICATIONS**

10. The Local Plan is the most important document within the development plan and sets out strategic priorities, proposals and policies for development in the Borough. The Local Plan also guides planning decisions through the planning application process. Therefore, the Local Plan covers a wide range of topics, which includes, amongst others, housing, employment, retail, transport, environment and climate change.
11. The National Planning Policy Framework sets out the Government's planning policies and the requirements for the planning system. This sets out a framework for Councils to produce plans which are distinctive for the local needs and priorities of the local area. All policies must reflect the presumption in favour of development and plan positively for improvements in the built, natural and historic environment.
12. The Council has prepared a Statement of Community Involvement published in November 2016. This sets out how the Council will involve all interested parties, including the local community, in the preparation of Local Development Documents as well as the determination of planning applications. The Town and Country Planning (Local Planning) (England) Regulations 2012 set out most of the requirements for involving interested parties in the preparation of Local Plans and Supplementary Planning Documents.
13. The Local Plan also has a number of other accompanying documents, which support the plan. This includes a Sustainability Appraisal, Consultation Statement, Habitat Regulations Assessment and Infrastructure Strategy. The Sustainability Appraisal document is another document which examines the vision, objectives, policies, housing and employment sites to determine the extent to which they embody the principles of sustainable development, and whether they will result in any significant positive and negative effects on the environment, local economy and society, housing and health and well-being.
14. The Local Plan has 11 strategic objectives in order to achieve the vision for Stockton on Tees Borough. The document is then made up of five chapters which are Strategic Development Strategy, Housing, Economic Growth, Transport and Infrastructure, Environment and Climate Change. Within these sections, it is ensured that the policies eliminate discrimination of any particular group or individuals and promote equality of opportunity and good customer relations, building on community cohesion.
15. Throughout the process, the Council has engaged and demonstrated 'due regard' across all protected characteristics with local residents, businesses, land owners and developers. Firstly, a consultation on the draft Statement of Community Involvement and Sustainability Appraisal Scoping Report was undertaken in Summer 2016 for an 8 week period alongside targeted consultation on the Local Plan. A further consultation on the draft Local Plan was then held in Autumn 2016 for a 9 week period.
16. Following consideration of representations and completion of accompanying evidence base and supporting documentation, the Publication Draft Local Plan and all supporting documents were submitted for examination to the Secretary of State on 21<sup>st</sup> December 2017.
17. The documents were made available at all libraries across the Borough along with promotional posters and flyers. Consultation letters and emails were sent to all those on the Local Plan consultation database. In addition, other consultation activities and events were

held throughout the consultation at libraries across the borough targeting different communities from all different background and ages.

18. Furthermore, the Local Plan has an extensive evidence base in order to inform all the policies, this includes a Town Centres Study, Local and Neighbourhood Centres Study, Strategic Flood Risk Assessment, Open Space Assessment. These documents provide us with the important information, such as the local retail needs and open space requirements of the residents in the Borough.
19. The STLP is written for all members of the community and not for specific individuals or groups. As a result it is unlikely to have a disproportionate impact on any particular individual or group. There are however proposals within the STLP which could have positive impacts on some ethnic groups and older people. The STLP will have an impact on all those who live and work in the Borough regardless of age, disability or other protected characteristics. No potentially adverse impacts have been identified for any particular group. The proposed allocations and policies are unlikely to have a disproportionate impact on any particular group because they are not aimed at specific individuals or groups but only at the Borough's future development. There are however specific policies to meet the accommodation requirements of disabled and older persons, gypsies and travellers. If these policies are not adopted by the Council, there could be adverse impacts on the living conditions of these particular groups.
20. It is intended that the implementation of the STLP will act to reduce and mitigate any envisaged adverse impacts on the community and Borough as a whole. It is not considered that the STLP will have an adverse impact on any particular group. However, the Plan, it will be subject to consultation and examination by an independent inspector, to ensure that any adverse impact that is subsequently identified can be mitigated or avoided in its entirety.
21. The STLP consultation database is extensive and includes consultees who represent those with protected characteristics. It is considered that the Local Plan will not unlawfully discriminate against any group or individual, or provide the grounds for such discrimination

## **FINANCIAL IMPLICATIONS**

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

## **LEGAL IMPLICATIONS**

23. 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).

## **RISK ASSESSMENT**

24. 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

25. Protecting the Vulnerable Trough Targeted Intervention  
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.
26. Creating Economic Prosperity – the Local Plan will introduce policies to support and sustain economic growth across the Borough and to support the provision of transport infrastructure.
27. Promoting Equality of Opportunity Through Targeted Intervention – the Local Plan will support the creation of mixed sustainable communities which contributes to safer communities. Policies which support the provision of community facilities, and supporting infrastructure for development such as schools, open space and recreation facilities for children and young people along
28. Developing Strong and Healthy Communities – the Local Plan will support the creation of mixed sustainable communities with policies to support community health principles which seek the provision of open space and recreational facilities to provide opportunities for play and exercise along policies to 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.

## 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

- Publication Draft Stockton-on-Tees Local Plan and Policies Map
- Strategic Housing Land Availability Assessment (2017) and Five Year Deliverable Supply Assessment
- Supporting and Evidence Base Documents listed in Appendix 2 of the Publication Draft Stockton on Tees Local Plan
- Report to Cabinet November 2016
- Report to Cabinet September 2017
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Ward(s) and Ward Councillors:

N/A

Property

N/A