

## CABINET ITEM COVERING SHEET PROFORMA

**AGENDA ITEM**

**REPORT TO CABINET**

**24 JANUARY 2019**

**REPORT OF SENIOR  
MANAGEMENT TEAM**

### **CABINET/COUNCIL/KEY DECISION**

**Cabinet Member for Regeneration & Housing – Councillor Nigel Cooke**

#### **STOCKTON-ON-TEES LOCAL PLAN**

1. Summary

This report updates members of the process undertaken in the preparation of the Stockton-on-Tees Local Plan (STLP) and the conclusions and recommendations of the report received from the Planning Inspector appointed to undertake the examination of the STLP which identifies that the STLP (subject to recommended Main Modifications) is sound, legally compliant and capable of adoption.

In addition, the report informs members of the statutory procedures for the adoption of the STLP, following which there is a six-week period when it can be challenged in the High Court under section 113 of the Planning and Compulsory Purchase Act 2004.

2. Recommendations

1. Cabinet note the conclusions of the Report on the Examination of the STLP received from the Planning Inspectorate (see paragraph 8 of this report) which recommended that, subject to modifications, the Local Plan can be adopted.
2. Cabinet recommend to Council that the STLP attached at Appendix 1 (including all modifications) and Policies Map (Appendix 2) be adopted.
3. Cabinet note that the Core Strategy (2010) policies and saved Local Plan (1997) and Alteration Number 1 (2006) policies will be superseded upon the adoption of the STLP.
4. Cabinet note the comments made at Planning Committee 16th January 2019 (to follow)

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

The Planning and Compulsory Purchase Act 2004 provides that a Local Development Document or Development Plan Document can only be adopted by resolution of the Council. The STLP is a Development Plan Document and can only be adopted in accordance with the recommendations of the Inspector appointed to carry out Examination of the STLP, which includes Main Modifications. Upon adoption the STLP would form part of the Development Plan alongside the Joint Minerals and Waste Core Strategy and Policies and Sites LDDs (September 2011) and be the starting point for considering planning applications.

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**

This report updates members of the process undertaken in the preparation of the Stockton-on-Tees Local Plan (STLP) and the conclusions and recommendations of the report received from the Planning Inspector appointed to undertake the examination of the STLP which identifies that the STLP (subject to recommended Main Modifications) is sound, legally compliant and capable of adoption.

In addition, the report informs members of the statutory procedures for the adoption of the STLP, following which there is a six-week period when it can be challenged in the High Court under section 113 of the Planning and Compulsory Purchase Act 2004.

**RECOMMENDATIONS**

1. Cabinet note the conclusions of the Report on the Examination of the STLP received from the Planning Inspectorate (see paragraph 8 of this report) which recommended that, subject to modifications, the Local Plan can be adopted.
2. Cabinet recommend to Council that the STLP attached at Appendix 1 (including all modifications) and Policies Map (Appendix 2) be adopted.
3. Cabinet note that the Core Strategy (2010) policies and saved Local Plan (1997) and Alteration Number 1 (2006) policies will be superseded upon the adoption of the STLP.
4. Cabinet note the comments made at Planning Committee 16th January 2019 (to follow)

**DETAIL**

**The Local Plan Preparation Process**

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.
2. The STLP as prepared sets out the policies and proposals to guide planning decisions and establishes the framework for the sustainable growth and development of the Borough up to 2032. The STLP covers a range of matters including the number of new homes that are needed and where they should be located; the amount and proposed location of new employment land, improvement of town centres as well as provision of infrastructure and community facilities in the Borough.
3. The key milestones in the production of the STLP are detailed in the table below:

STLP Milestone	Date Undertaken / Completed
Evidence Base Review	Jan – Nov 2016
Draft Local Plan Consultation	Nov 2016 – Jan 2017
Publication Draft Local Plan Consultation	Sep 2017 – Nov 2017
Submission of Local Plan	December 2017
Examination	June 2018
Main Modifications Consultation	Sep 2018 – Nov 2018
Inspectors Report	December 2018

4. The preparation of the STLP included two public consultations prior to the submission of the publication draft STLP in December 2017 to the Planning Inspectorate. Following submission of the publication draft STLP, Planning Inspector Matthew Birkinshaw BA (Hons) MSc MRTPI, was appointed to conduct the examination into the STLP to determine whether it is legally compliant and sound. In advance of the hearing sessions, officers prepared hearing statements in response to almost 500 questions raised by the Inspector.
5. The hearing session's element of the Examination process took place over a three week period in June, addressing 22 topic areas in 11 sitting days, covering all aspects of the STLP.
6. Whilst large elements of the STLP were considered sound the Planning Inspector identified, at examination, the need for a number of Main Modifications to the STLP to ensure soundness, clarity and effectiveness across a range of policies and supporting text. These Main Modifications were the subject of a further consultation period which took place between September and November 2018.
7. Alongside the Main Modifications, the consultation also made available Additional Modifications (which are minor changes to Local Plan text) and Policies Map Modifications (which details where changes to the Local Plan have resulted in consequential changes to the policies maps, or where corrections need to be made, for example where a site has been deleted).
8. Responses received to the Main Modifications consultation were sent to the Planning Inspector for consideration. The Council received the 'Report on the Examination of the STLP' from the Planning Inspectorate which concluded that:

*“The Council has requested that I recommend MMs to make the Plan sound, legally compliant and capable of adoption. Overall, I conclude that with the recommended modifications, set out in the accompanying Appendix, the Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the Framework.”*
9. The 'Report on the Examination of the STLP' is available on the Council website ([www.stockton.gov.uk/localplaninsreport](http://www.stockton.gov.uk/localplaninsreport)) alongside previous versions of the plan, other supporting documents, and the Examination Library. For the benefit of members a summary of the 'Report on the Examination of the STLP' is available in appendix 3. In accordance with regulations stakeholders who have asked to be kept informed of the publication of the 'Report on the Examination of the STLP' have been notified.

## **STLP Adoption**

10. As the report from the Planning Inspectorate finds the STLP, subject to Main Modifications, sound and capable of adoption it is recommended that it be adopted as Council policy. Should it be resolved that the STLP be adopted it will form part of the Development Plan alongside the Joint Minerals and Waste Core Strategy and Policies and Sites LDDs (September 2011).
11. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires an application for planning permission to be determined in accordance with the Development Plan, unless the material considerations surrounding the proposal indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration in planning decisions.
12. Appendix 1 of the STLP provides a schedule of policies to be replaced upon its adoption. Policies to be replaced are all Core Strategy (2010) policies and saved Local Plan (1997) and Alteration Number 1 (2006) policies.

## **Next Steps**

13. When the STLP is adopted it is necessary, as soon as is reasonably practicable, for the Council to complete the following statutory procedures:
  - The Inspector's Report, the STLP and supporting documentation, the Adoption Statement and Sustainability Appraisal Post Adoption Statement will be made available during normal office hours in the places where pre-submission documents were made available (that is, our principal office, which is Stockton Central Library and Customer Service Centre Council and local libraries);
  - Publish the documents referred to above on the Council's website;
  - Inform stakeholders who have asked to be kept informed of the adoption of the STLP and let them know where the documents can be inspected; and
  - Send a copy of the Adoption Statement to the Secretary of State.
14. The legal date of adoption of the STLP is the date it is adopted by Full Council. Under section 113 of the Planning and Compulsory Purchase Act 2004, there is a period of six weeks from this date within which any person aggrieved by the document may make an application to the High Court on the ground that:
  - The document is not within the appropriate power;
  - A procedural requirement has not been complied with.
15. Grounds for being aggrieved do not include disagreement with policies contained within the STLP.

## **STLP Monitoring**

16. The STLP establishes the framework for the sustainable growth and development of the Borough up to 2032. The effectiveness of policies within the STLP will be monitored through the Authority's Monitoring Report which is a requirement of the Town and Country Planning (Local Planning) (England) Regulations 2012.
17. It is a legal requirement (Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012) that policies within the STLP are reviewed to assess whether they need updating at least once every five years, and then updated as necessary.

## COMMUNITY IMPACT IMPLICATIONS

18. The STLP is the most important document within the development plan and sets out strategic priorities, proposals and policies for development in the Borough. The STLP also guides planning decisions through the planning application process. Therefore, the STLP covers a wide range of topics, which includes, amongst others, housing, employment, retail, transport, environment and climate change. The STLP has been the subject of a Community Impact Assessment which is available on the Council website.
19. The implementation of the STLP is intended to act to reduce and mitigate any envisaged adverse impacts on the community and Borough as a whole. It is not considered that the plan will have an adverse impact on any particular group. However, the plan includes an Implementation and Monitoring Framework, which will be reviewed annually and documented in the Annual Monitoring Report. This report tells you how planning and the STLP policies are making a positive difference to the Borough.
20. The Local Plan 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

21. Provisions for the production of the STLP has been made within existing budgetary provision.

## LEGAL IMPLICATIONS

22. The Stockton on Tees Local Plan has been prepared under the relevant provisions of the Planning and Compulsory Purchase Act 2004. Since April 2012, documents have been prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. The Planning and Compulsory Purchase Act 2004 provides that a Local Development Document or Development Plan Document can only be adopted by resolution of the Council. The Local Plan is a Development Plan Document and can only be adopted in accordance with the recommendations of the Inspector appointed to carry out Examination of the Stockton on Tees Local Plan, which includes Main Modifications. 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

23. 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

### Policy Principles:

- **Protecting the vulnerable through targeted intervention-** the plan has numerous policies which seek to protect the vulnerable including clear policy requirements to provide accessible environments and takes account of the needs of people with disabilities.

- **Promoting equality of opportunity through targeted intervention-** it has been ensured that the policies eliminate discrimination of any particular group or individual and promote equality of opportunity and good customer relations, building on community cohesion.
- **Developing strong and healthy communities-** policies within the plan seek deliver strong and healthy communities through the plethora of policies contained within. Specifically the plan seeks to support healthy lifestyles and improve quality of life through the provision and improvement of open space and the sustainable transport network.
- **Creating economic prosperity-** the plan has specific policies linked to economic growth and allocates employment land to meet identified needs.

## **CORPORATE PARENTING IMPLICATIONS**

24. The Local Plan does not contain corporate parenting implications

## **CONSULTATION INCLUDING WARD/COUNCILLORS**

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

**Name of Contact Officer: Richard McGuckin**

**Post Title: Director of Economic Growth and Development**

**Telephone No. 01642 527028**

**Email Address: richard.mcguckin@stockton.gov.uk**

Education related? No

Background Papers: The Local Plan has been prepared using an extensive evidence base and has been the subject of Examination by the Planning Inspectorate. All information is available on the Council website and where required in accordance with regulations is available for inspection at our principal office, which is Stockton Central Library and Customer Service Centre Council and local libraries.

Ward(s) and Ward Councillors: N/A

Property: N/A