

Local Development Framework Steering Group

A meeting of the Local Development Framework Steering Group was held on Tuesday 31st July, 2007.

Present:- Councillor Cook (Chairman), Councillors Mrs Beaumont, Fletcher, Nelson, Mrs Rigg and Rix.

Officers:- M. Clifford, Mrs J Elliott, Mrs R Young, D. Bage (DNS); Miss S Johnson (LD).

Apologies for absence were submitted on behalf of Councillors Patterson, Stoker, Walmsley and Womphrey.

Minutes

The minutes of the meeting held on 12th June 2007 were agreed as a correct record.

Planning for a Sustainable Future – White Paper

Members were presented with a report that informed of the implications that the Government White Paper 'Planning for a Sustainable Future' had for planning.

It was explained that the aim of the White Paper was to set out a wide-ranging package of reforms to make the planning process more effective and efficient.

Members were informed that the White Paper highlighted a number of long-term challenges facing the planning system, and that these included the following:

- Meeting the challenge of climate change,
- Supporting sustainable economic development,
- Increasing the supply of housing,
- Protecting and enhancing the environment and natural resources,
- Improving local and national infrastructure, and
- Maintaining security of energy supply.

It was noted that the Government had commissioned Kate Barker and Rod Eddington to consider how the planning system could better deliver economic development and an improved transport infrastructure in a sustainable way, which had produced a number of recommendations.

Members were advised that the White Paper set out the Governments proposals for reform in response to recommendations made by Kate Barker and Rod Eddington. It included a number of proposals that had significant implications for local planning. A summary of the proposals were presented to Members:

- To produce a more strategic, focused national planning policy framework with PPS1 'Delivering Sustainable Development' at its heart, to provide the context for plan-making and decision-taking
- To publish a new planning policy statement, 'Planning for Economic Development', to reinforce the Government's commitment in PPS 1 to promoting a strong, stable and productive economy with access for all to jobs, to regeneration and improvement employment prospects;
- To finalise the planning policy statement on climate change and introduce legislation to set out clearly the role of local planning authorities in tackling energy efficiency and climate change;

- Reform town centre planning policy by replacing the need and impact tests with a new test which has a stronger focus on the town centre first policy, to promote competition and consumer choice;
- To work with industry to set in place a timetable and action plan to deliver reductions in carbon emissions from new commercial buildings within the next 10 years;
- Review and extend permitted development rights on microgeneration to non residential types of land use including commercial and agricultural development;
- To place planning at the heart of local government by aligning the Sustainable Community Strategy and the LDF core strategy, and work with the Local Government Association and others to continue building capacity, and to issue 'place shaping' guidance;
- Introduce changes to LDFs to ensure a more streamlined and tailored process with more flexibility about the number and type of plans, their production, and a more engaged level of community involvement;
- Introduce Planning Performance Agreements to help streamline the processing of major applications, and to consult on devolving the setting of planning fees to local authorities;
- Introduce a new impact approach to householder development to reduce the number of minor applications, and extend this approach to other types of development;
- Reduce the number of applications called in by ministers and introduce measures to improve the appeals process.

It was explained that the Government also proposed changes for key national infrastructure projects, which could indirectly affect the role of local planning authorities. Such changes included streamlining the procedures for infrastructure projects of national significance and the creation of an independent commission to take on decisions of nationally significant infrastructure.

RESOLVED that the report be noted.

Core Strategy Development Plan Document Preferred Options

Members considered a report that informed of the comments received from GO North East in relation to the Core Strategy DPD Preferred Options.

It was explained that in preparing the Core Strategy Preferred Options, close liaison had taken place with GO North East. Two versions of the emerging Preferred Options document had been run past them for comments and input, prior to submitting the document to Council, and amendments made accordingly.

Members were advised that once agreed by Council for consultation, the document was again sent to GO North East. Comments had been received from them that would need to be taken on board prior to public consultation. It was noted that the comments were based on some very recent guidance, published the previous month by the Planning Inspectorate, which reflected the lessons learnt in examining DPDs to date. The guidance sought to ensure that DPDs were found to be "sound" at examination.

It was noted that the comments from GO North East did not undermine the main thrust of the Council's Preferred Options for the Core Strategy. The main comments, in addition to editorial suggestions, focused on:

- Consistency: ensuring that all the policies are clear and consistent in their relationship with each other;
- Local distinctiveness: not just repeating national and regional planning guidance;
- Inclusion of sufficient detail: to provide a meaningful spatial strategy, whilst remaining still strategic
- Avoiding repetition: the plan will be read as a whole, and therefore repetition in both Core Strategy policies and Development Management policies, and cross referencing between policies is not necessary
- Strengthening links with the Sustainability Appraisal (SA): including text to say how the various options/policies perform against the SA.

Members were advised that it was intended to take on board the comments received, and present the revised Core Strategy Preferred Options DPD to the late summer (August/September) committee cycle. A revised version of the document was circulated at the meeting to illustrate the types of amended being suggested.

Members of the Steering Group discussed the comments received from GO North East. Members agreed that the revised document should be sent to all Council Members in order to highlight the changes and that it should be presented to Planning Committee and Cabinet as an information item.

RESOLVED that:-

1. The report be noted.
2. The Core Strategy DPD Preferred Options be amended in line with the comments from GO North East, prior to Public consultation.
3. The Core Strategy DPD Preferred Options be sent to all Council Members, highlighting the amendments.
4. The Core Strategy DPD Preferred Options be presented to Cabinet and Planning Committee as an information item.

Appropriate Assessment of the Core Strategy DPD Preferred Options

Members considered a report that informed of the requirement to carry out Appropriate Assessment of Development Plan Documents.

It was explained that an Appropriate Assessment (AA) was an assessment of the potential effects of a proposed plan – “in combination” with other plans – on sites which were of European importance for their nature conservation value, broadly speaking Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). The ‘assessment’ proper was a statement which said whether the plan did, or did not, affect the integrity of a European site. However, the process of determining whether or not the plan would affect the site(s) was commonly referred to as ‘appropriate assessment’.

Members were advised that the requirement for AA of plans was outlined in Articles 6(3) and (4) of the European Communities (1992) Council Directive 92/43/EEC on the conservation of natural habitats and of wild flora and fauna (known as the Habitats Directive). It was noted that Schedule 1 of the Conservation (Natural Habitats, &c) (Amendment) (England and Wales) Regulations 2006 (Habitats Regulations) transposed into English law the requirement to carry out AA for land use plans. It was the responsibility of the Regional Planning Body or Local Planning

Authority (LPA) to ensure that the AA process was carried out in accordance with the Habitats Directive and the amending Habitats Regulations.

Members were advised that undertaking an AA involved:

- collecting information on European sites within and outside the plan area potentially affected, including the characteristics of the sites, their conservation objectives and other relevant plan or projects
- identifying the effects of the plan (options/policies) on the habitats and species of international importance and how those effects are likely to affect the site's conservation objectives,
- deciding whether the plan proposed would adversely affect the integrity of the site in the light of conservation objectives
- if significant effects are identified, considering whether the plan could be modified so as to avoid adverse effects on the integrity of the sites.

Members were informed that where a plan had been found to have adverse effects on the integrity of a European site, these effects should be mitigated, with the aim of fully cancelling out any adverse effects.

It was explained that after mitigation measures had been exhausted on an emerging option/policy, and it was still shown to have a potentially negative effect on the integrity of a European site, and in the absence of any other alternative solution, as a rule the option/policy should be dropped. In the exceptional circumstance and as an exception to the rule, if the pursuit of the option/policy was justified by 'imperative reasons of overriding public interest', consideration could be given to proceeding in the absence of alternative solutions.

It was noted that in addition to working closely with Natural England, the AA findings would need to be made available and consulted on at the Preferred Options stage of plan preparation. This meant that the AA findings would be published at the same time as the Sustainability Appraisal report.

Members were informed that following receipt of consultation responses, the LPA would refine the Preferred Options and prepare for the submission DPD. It was noted that it may be necessary to revisit the AA if the changes made for submission were such as to affect the validity of the AA report.

The report was to be sent to Natural England for comments prior to public consultation on the Core Strategy Preferred Options in September.

Members discussed the Appropriate Assessment and future developments. Members agreed that Saltholme Nature Reserve should be included in the document.

RESOLVED that:-

1. The report be noted.
2. Saltholme Nature Reserve be included in the document.

Update on the Regional Spatial Strategy for the North East

Members considered a report that provided information on the emerging Regional Spatial Strategy and reported significant changes that had been made to the document.

It was explained that the Regional Spatial Strategy (RSS) for the North East provided a spatial framework to inform the preparation of the Local Development Framework. The RSS was currently emerging and Members were advised that it had been through the following stages of preparation:

- Submission draft RSS - submitted to the Secretary of State June 2005.
- Examination in public - (EiP) into the soundness of the RSS, March 2006.
- Panel report - August 2006 recommended changes to the RSS after the EiP.
- Proposed modifications - of the RSS published in May 2007 by Government Office North East for a consultation period of 12 weeks.

Members were informed that the RSS identified a vision for the region up to 2021 involving an accelerated level of growth in the North East economy averaging a Gross Value Added (G.V.A) of 2.8% per annum by 2021. It was noted that GVA in the North East region in 2001 equalled 1.8%. The RSS stipulated that it was essential that there was sufficient employment land available and that high quality sustainable communities were delivered in order to facilitate the growth scenario planned for.

It was explained that in order to provide sufficient employment land to provide economic prosperity, policy 18 of the RSS set out the required employment land provision for Stockton, this remained unchanged from the submission draft figures. Members were informed that the amount of land required for employment development within Stockton on Tees up to 2021 was:

- General Employment – 235 hectares (20 hectares to be located at Durham Tees Valley Airport)
- Mixed Use (North Shore) – 20 hectares
- Prestige (Wynyard) – 70 hectares

It was noted that in addition to the above figures, policy 23 of the RSS recommended that 445 hectares of land be safeguarded for the Chemical and Steel Industries.

It was noted that Wynyard (minus the land available at Samsung) was identified under policy 19 as a prestige employment site. During the EiP, sites identified under the policy were assessed in terms of their sustainability as employment sites. It was explained that in the subsequent panel report various sites were criticised, including Wynyard, and recommendations were made to delete those deemed unsustainable. As Wynyard benefited from an outline planning permission and had been subject to development the report recommended restructuring the planning consents to limit opportunities at the site to large-scale business. Members were advised that the recommendation was included in the panel report and Council officers had been working to clarify the wording of the emerging policy.

It was explained that the panel report also identified a concern that office development was being encouraged in unsustainable locations at the prestige employment sites. The panel recommended that a new policy be included within the RSS relating to office development. The purpose of the recommendation was to prioritise office development in City and Town Centres over prestige employment sites. Members were advised that the policy was included within the proposed modifications.

Members were advised that as well as the land identified for general employment purposes at Durham Tees Valley Airport (D.T.V.A) 80 ha of land was stipulated in

both Stockton and Darlington for airport related development at the airport. The submission draft of the RSS identified this land for airport related development unless it could be demonstrated that there was a business case for locating at the site. The panel report suggested that this land was unsuitable for further non-airport related development and it was only appropriate that the land be retained for airport related use only. It was noted that the proposed modifications to policy 21 followed this recommendation.

Members were shown the figures for the distribution and phasing of housing for the borough which was recommended in the Panel Report into the EiP. The Proposed Modifications of the RSS carried forward the proposed distribution and phasing of housing. It was based on 2.5% average annual GVA growth for housing resulting in 112,000 additional dwellings in the region 2004-21.

It was explained that recent very positive demographic changes had led NEA officers to review the figure of 112,000 net additional dwellings and to conclude that it was insufficient to support planned economic growth. Further work had been carried out to identify the level of provision required to deliver economic growth. This had led to a higher figure of 118,000 net additions (2004-21) being identified by NEA officers but it had not yet been incorporated as a proposed modification to the RSS. Members were advised that if the revised figure was incorporated then it would impact on the distribution and phasing of housing in the Tees Valley.

It was noted that the Proposed Modifications acknowledged the new PPS3-based approach to managing housing supply where allocations were no longer seen as a rigid framework but part of a "flexible, responsive" system "in which better information gathering and analysis by local authorities could lead to adjustments of the district figures in the next RSS revision." (Paragraph 3.85)

Members were advised that the current consultation on the proposed modifications was due to close on the 6th August 2007. The Council would be making representations through the Tees Valley Joint Strategy Unit. It was anticipated that there could be further changes and a further proposed modifications consultation. Following the completion of the proposed modifications consultations it was anticipated that the RSS would be adopted.

RESOLVED that the report be noted.