

Local Development Framework Steering Group

A meeting of Local Development Framework Steering Group was held on Tuesday, 28th April, 2009.

Present: Cllr Robert Cook (Chairman), Cllr Mrs Jennie Beaumont, Cllr John Fletcher, Cllr Roy Rix

Officers: D Bage, M Clifford, Mrs J Elliot and Mrs R Young (DNS); Mrs T Harrison (LD)

Also in attendance: No other persons were present.

Apologies: Cllr Colin Leckonby, Cllr Steve Nelson, Cllr Ross Patterson, Cllr Mick Stoker, Cllr Steve Walmsley, Cllr Mick Womphrey

LDF 1/09 **Declarations of Interest**

There were no declarations of interest.

LDF 2/09 **Minutes of the Meeting held on 10th March 2009.**

The minutes of the meeting held on 10th March 2009 were agreed as a correct record.

LDF 3/09 **Core Strategy Submission Progress Update Report**

Members were provided with a brief summary of progress of the Core Strategy Development Plan Document (DPD) towards submission, and adoption.

Members were advised that the publication draft of the Core Strategy DPD had been published at the end of October, coinciding with the beginning of an 8-week consultation period ending on 22 December 2008. 68 organisations and individuals responded and their comments had been considered and as a result meetings had been held with stakeholders, as necessary.

Minor amendments had been proposed as a result, to the Core Strategy Development Plan Document. A revised document, together with amended versions of the Habitats Regulations Assessment, the Sustainability Appraisal, schedules of the proposed changes and a schedule of representations was considered by Cabinet on 16 April 2009, with consideration by full Council on 6 May 2009. No comments were made at either Planning Committee (8 April) or Cabinet. Delegated authority had been given to Cabinet Member for Regeneration and Transport and Head of Planning to make any final amendments/adjustments as necessary prior to submission.

Subject to Council approval, the next phase of the process was to submit the documents to the Secretary of State for independent examination. It was anticipated that this would be completed before the end of May 2009, which began the examination process. An Inspector would be appointed by the Planning Inspectorate to conduct the examination, assisted by the appointed Programme Officer, who would carry out the associated administration work, such as organising a venue for the 'hearing', arranging the timetable for this, and liaising with those who had made representations and wished to attend the examination, and between the Inspector and officers of the Council.

As soon as practical after submission, the Council was required to:

- Make all the submission documents available for public scrutiny, at Planning Services and in the libraries;
- Publish documents of the Council's website;
- Send documents to consultation bodies and those who had made representations; and
- Give notice of Submission in a local newspaper.

Once submitted, the estimated timetable for the examination procedure was as follows:

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| • Submission | Week 1 (w/b/25 May) |
| • Pre-examination Meeting | Week 8 (w/b 13 July) |
| • Hearing opens | Week 14 (w/b 24 Aug.) |
| • Inspector's Draft Report for fact checking | Week 26 (w/b/16 Nov.) |
| • Inspector's Final Report | Week 29 (w/b/7 Dec.) |

Once the Core Strategy Development Plan Document had been amended in line with the Inspector's recommendations (which were binding), the Core Strategy could proceed to adoption as quickly as possible (early 2010). On the assumption that the Core Strategy DPD was found to be 'sound'.

CONCLUDED that the report be noted.

**LDF
4/09**

Bird Study

Members were advised that the Local Development Framework system and the Natural Environment and Rural Communities Act 2006 put the requirement for Local Authorities to be aware of and monitor nature conservation resources within their area. Policy decisions were to be developed on the basis of a strong evidence base. This guidance and the requirement of European Law that an Appropriate Assessment into the impacts of proposed development on wildlife sites must accompany LDF documents identified the need to compile information regarding the ornithological value of sites and flightpaths.

Officers from Stockton Council and representatives of the authorities which were recently amalgamated into the Durham Unitary authority therefore identified the need to undertake a study looking at the mapping of bird species sites and flight paths. In early 2008 the local authorities commissioned E3 Ecology Ltd to undertake the project.

The study area covered the administrative area of Stockton Borough and Durham Unitary Authority, as well as a 10km buffer around sites which were recognised and protected because of their international and national importance. The consultants collated information from a variety of sources and compiled it into a database. Using the most important ornithological feature for each particular area the consultants were able to identify the value of sites for bird populations by using national guidelines. The different values were International, National, Regional, County, District, Parish and Low.

An initial assessment of important flightpaths had also been undertaken based on links between important areas, feeding and roosting sites, large scale

geographic features such as river systems that were likely to be used for navigation, and records from annual bird reports of large-scale bird movements. All of the records in the database had been given a grid reference, which allowed the information to be linked to GIS system to allow mapping to take place.

An ornithological assessment would include consultation and field survey focussed on elements where significant ornithological impacts could be anticipated. This would include field survey at the appropriate time of year for the interests of the site, ideally combined with a breeding bird survey. For sites of regional value and above more consultation and field research was likely to be required. The risk assessment process could flag up the need for a detailed bird survey and impact assessment if key elements of the valued bird population were likely to be harmed.

The data gathering was carried out over a short period (February/March 2008); therefore further work could be required to improve the data held within the database. In addition, prior to its use by the authority, the data needed to be audited by consulting with various bodies including bird clubs and the wildlife trusts. This would be agreed with officers from Durham Unitary Authority.

However, Council officers had been able to utilise some of the data and had used this to feed into the Appropriate Assessment which would support the Core Strategy when it was submitted to the Secretary of State.

Members were advised that further consultation would be undertaken with bird clubs to ensure that nothing of significance had been missed.

A presentation was given, showing how the information was held within the database and how it translated to mapped representation.

Members queried the incompatibility of birds and airports and were advised that airports were protected under a Government circular regarding the safeguard of aerodromes.

CONCLUDED that the report be noted.

**LDF
5/09**

Strategic Flood Risk Assessment Update

Members were advised that the Tees Valley Strategic Flood Risk Assessment (SFRA) was completed in February 2007 by JBA Consulting and comprised SFRAs for each of the Tees Valley authorities. The River Tees Flood Model was updated in 2008. The Tees Valley SFRA needed to fully reflect the most up-to-date flood risk information for the area. This was a matter of urgency for Stockton Borough Council in relation to the Local Development Framework process, as the Core Strategy Development Planning Document would be tested at an independent examination in Autumn 2009 and the Preferred Options for the Regeneration Development Planning Document would be published in January 2010.

JBA Consulting had been commissioned to produce SFRA scoping reports for the Tees Valley authorities. These would scope the tasks necessary to carry out the SFRA update. An SFRA consisted of a Level 1 SFRA and a Level 2 SFRA.

Given the urgency for Stockton it was intended to commission the Level 1 SFRA as soon as the consultants had completed an initial draft of the scoping exercise.

In Summer 2008 the Environment Agency (EA) published an update of the River Tees Flood Model. This update had improved the understanding of the mechanisms that cause flooding within the area. The most significant issue that had been highlighted related to the flood risk areas adjacent to the Tees River upstream of the Tees Barrage. Previously, the EA model indicated that the principal cause of flooding within these areas was from high water levels from high tides (tidal flooding). The updated model showed that the primary flooding mechanism within this area was from fluvial flooding directly from the influence of the Tees River.

Planning Policy Statement 25 recognised that, although flooding could not be wholly prevented, its impacts could be avoided and reduced through good planning and management. Flood risk was required to be taken into account at all stages in the planning process to avoid inappropriate development in areas of flood risk and to direct development away from areas of highest risk. This was referred to by PPS25 as the sequential approach. The Sequential Test referred to the application of the sequential approach by a local authority.

Level 1 SFRA

The Sequential Test

A key aim of a Level 1 SFRA was to provide the necessary information to allow each local authority to guide development towards the area of lowest flood risk using the Sequential Test. This was a process whereby preference was given to locating a new development in Flood Zone 1. If there was no reasonably available site in Flood Zone 1, the flood vulnerability of the proposed development could be taken into account in locating development in Flood Zone 2 (Medium Probability) and then Flood Zone 3 (High Probability). Flood Zone 3 (FZ3) sub-divided into FZ3a and FZ3b. only “water-compatible” uses should be permitted in Flood Zone 3b. Essential Infrastructure could be permitted if the Exceptions Test was passed.

Within each Flood Zone:

- New development should be directed away from ‘other sources’ of flood risk and towards the area of lowest probability of flooding, as indicated by the SFRA maps.
- The flood vulnerability of the development should be matched to the flood risk of the site, that is to say the higher vulnerability used should be located on parts of the site at lowest probability of flooding.

The Exception Test

Where it was not possible, or consistent with wider sustainability objectives, for development to be located in Flood Zones of lower probability of flooding, the Exception Test could be applied. The Exception Test was only appropriate for use when there were large areas in Flood Zones 2 and 3, where the Sequential Test alone could not deliver acceptable sites, but where some continuing development was necessary for wider sustainable development reasons.

Level 2 SFRA

A Level 2 SFRA involved a more detailed review of flood hazard (flood probability, flood depth, flood velocity, rate of onset of flooding) taking into account the presence of flood risk management measures such as flood defences.

Stockton context

Following the update of the River Tees Flood Model, land upstream from the Tees Barrage, within Flood Zone 3, could now be considered Flood Zone 3b "Functional Floodplain" i.e. land where water had to flow or be stored in times of flood. PPS25 stated that land required for current and future flood management (e.g. for the conveyance and storage of flood water) needed to be safeguarded from development.

The approach advocated within Stockton-on-Tees Core Strategy Development Plan Document (Publication Draft) was to concentrate the majority of housing development within the Core Area, as defined within the Core Strategy Diagram. A key task of the SFRA would be to delineate Flood Zone 3b. This would be essential in terms of assessing whether flood risk could jeopardise the deliverability of some of the sites that had the potential to contribute to the delivery of the Core Strategy.

The companion practice guidance to PPS25 stated that the LPA should discuss the scope of the SFRA at an early stage with key stakeholders, in particular the Environment Agency, IDBs and sewerage undertakers. Scoping a SFRA was essential to understand the strategic flood risk issues that needed to be assessed.

JBA Consulting had been appointed to produce a draft Scoping Report prior to undertaking the Level 1 SFRA. The draft Scoping Report would be a living document that was to say additional tasks could be scoped after completion of the Level 1 SFRA. The Environment Agency, Northumbrian Water and the project steering group (see the working arrangements section) were to agree the initial Scoping Report. The initial Scoping Report would provide a detailed breakdown of the tasks to be undertaken to achieve the Level 1 SFRA and as much detail as possible (prior to completion of the Level 1 SFRA) as to the areas/sites that would be assessed for the Level 2 SFRA.

The Scoping Reports had been procured on a Tees Valley wide basis using Tees Valley Growth Point funding. It was likely that there would also be funding available from the Growth Point for SFRA Level 1 and Level 2 work. However, the details of this had not yet been determined. Given the urgency of this work in relation to Stockton's LDF process the following timetable had been agreed with JBA Consulting for the Stockton component of the Tees Valley SFRA:

- The Council would receive submission of the draft Scoping Report by noon on Friday 1st May 2009
- The Council would be in receipt of the draft Level 1 SFRA Report by noon on Friday 15th May 2009.
- The Council would be in receipt of the final Level 1 SFRA Report (incorporating any comments from the project steering group in relation to the

draft version by noon on Friday 22nd May 2009).

- The Council would be in receipt of the draft Level 2 SFRA Report by noon on Friday 10th July 2009.
- The Council would be in receipt of the final study (incorporating any comments from the project steering group in relation to the draft version) by Friday 31st July 2009.

Members discussed areas in their Wards which were affected by flooding from such sources as surface water problems, combined sewer systems and new developments resulting in insufficient capacity of existing drains.

CONCLUDED that the report be noted.

**LDF
6/09**

Strategic Housing Land Availability Assessment

Members were reminded that the first Strategic Housing Land Availability Assessment (SHLAA) had been published on 20th October 2008. The SHLAA was a key component of the evidence base to support the delivery of sufficient land for housing to meet the community's need for more homes. The assessment was required by national planning policy, set out in Planning Policy Statement 3: Housing (PPS3).

The national SHLAA Practice Guidance stated that the Assessment, once completed, should be regularly kept up-to-date (at least annually). Therefore, the 2008 SHLAA was in the process of being reviewed and updated to produce the 2009 SHLAA.

An internal highways workshop focussing specifically on highways to assess the SHLAA sites was held on 19 February. An internal stakeholder workshop to assess the SHLAA sites within a framework of suitability, availability and achievability was held on 5 March. The schedule of sites with the internal stakeholder assessment was provided to Members along with the schedule of sites discounted as being unlikely to yield 10 dwellings or more. The schedule of sites with designations to which zero housing potential had been ascribed and was also provided to Members of the steering group. It was intended to consult externally on this assessment over the five-week period Friday 8 May to Friday 12 June.

Members received further clarification that if allotment sites were inactive they could be considered as land for housing, however as with all other possible sites it would have to go through the local strategy and would not automatically become land for development.

Members advised that officers should give Parish Councils plenty of time to meet and then comment.

Concern was raised that the steering group was biased due to having developers in the group. However it was of benefit to have developers input and was not dominated by representatives of the development industry.

Members were advised that all available sites were required to be included because if a site had not been identified within the Strategic housing Land Availability Assessment then it could not be used.

The SHLAA would help identify suitable sites to achieve the core strategy which was required to provide 15 years worth of housing land.

Members were advised that highways issues were of considered within the SHLAA.

Members felt that a good letter was needed to explain the process, even testing the letter out on someone without any planning knowledge to see if they could understand the system. The letter should also explain how public comments would be taken into account and how much weight would be placed on them.

Members were advised that publicity would be in the form of a letter to Parish Councils; documents would be on the website and in the libraries. There would be contact details for anyone wishing to know more about the SHLAA and associated documents and consultation.

CONCLUDED that:

1. The report be noted.
2. A letter explaining the process will be prepared and then tested out on someone without planning knowledge to see if they could understand the system. The letter will also explain how public comments will be taken into account and how much weight will be placed on them.