

AGENDA NO

PLANNING COMMITTEE

17 MARCH 2010

REPORT OF CORPORATE DIRECTOR, DEVELOPMENT AND NEIGHBOURHOOD SERVICES

LOCAL DEVELOPMENT FRAMEWORK: ADOPTION OF STOCKTON-ON-TEES CORE STRATEGY DEVELOPMENT PLAN DOCUMENT (DPD).

SUMMARY

The Core Strategy DPD is the key document in the new Local Development Framework (LDF) and will provide strategic planning policies for the Borough. Between 22 September and 2 October 2010, it was subject to an Independent Examination by a Planning Inspector into its soundness. On 3rd February 2010, the Council received the Inspector's report, which found the document sound subject to certain binding recommendations (Appendix 1).

This report seeks the agreement of members to adopt the revised Core Strategy (Appendix 2) which incorporates the Inspector's binding recommendations, as well as a number of other minor amendments endorsed by the Inspector, for use in the determination of planning applications.

The report also informs members of the statutory procedures for the adoption of the Core Strategy and that following adoption, there is a six-week period within which it can be challenged in the High Court under section 113 of the Planning and Compensation Act 2004.

The report also seeks the advice of members on how and when they would like to be briefed on the contents of the new planning policies contained in the Core Strategy.

RECOMMENDATION

That Planning Committee;

1. Endorse the Inspector's report on Stockton-on-Tees Core Strategy Development Plan Document (DPD) and his binding recommendations to make the plan sound (Appendix 1);
2. Adopts the revised Core Strategy which incorporates the Inspector's binding recommendations for use in the determination of planning applications (Appendix 2);
3. Advise officers of their preferences for being briefed on the contents of the Core Strategy.

BACKGROUND

1. From 22 September to 2 October 2009, the Council's Core Strategy Development Plan Document (DPD) was the subject of an independent examination into its soundness before a Planning Inspector. On 3rd February 2010, the Council

received the Inspector's Report on the Council's Core Strategy DPD in which he concluded that, subject to certain binding recommendations, the document was sound and met the requirements of the Planning and Compulsory Purchase Act 2004, the Town and Country Planning (Local Development)(England) Regulations 2004 and the Town and Country Planning (Local Development)(England)(Amendment) Regulations 2008.

2. The Inspector's report and the schedules of Significant Proposed Changes (addendum1) and two schedules of minor changes entitled Schedule 1 and Schedule 2 are attached at **Appendix 1 which is available on agenda**. The principal changes required by the Inspector are:
 - To make clear that affordable housing policy is to be interpreted flexibly in response to changing market conditions, he has required that the affordable housing requirement is couched in terms of a target (15 -20%) and that provision at a lower rate would only be acceptable where robust justification is provided. The affordable housing policy is to be applied with flexibility sensitive to the market conditions prevailing at the time the planning application is submitted. The targets for the tenure mix (20% intermediate and 80% social rented) can also only be deviated from where robust justification is provided.
 - To ensure that in safeguarding land for the chemical industry, adequate information will be in place to safeguard the integrity of the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar site. To this end, the Inspector has required an element of flexibility into Policy CS4 by prefacing the amount of land to be safeguarded for the chemical and processing industry with the phrase "up to" to recognise that, given environmental constraints in the Seal Sands area, it might not be possible to safeguard precise amounts of land. In addition, clause 6 of Policy CS4 is to be amended to state that no port or river based development will be permitted on or adjacent to North Tees Mudflat. Paragraph 9.7 is amended to include a commitment for the Council to undertake a study, in partnership with Natural England and the Royal Society for the Protection of Birds, to assess the potential for development in the Seal Sands, North Tees Pools and River Tees Corridor to adversely affect the integrity of the SPA/Ramsar site and to develop a strategic framework for development in these areas and an integrated approach to habitat creation.
 - To ensure that the retail policy is consistent with national policy, the Inspector has required policy CS5 to be amended to state that no further allocations for retail development will be made other than in or on the edge of Stockton Town Centre and that, whilst the Council will not encourage additional retail or leisure development in Teesside Park or Portrack Lane or any other out-of-centre locations, any proposals which emerge will be dealt with in accordance with prevailing national policy as set out in Planning Policy Statement 4 or its successor.
3. The final published version of the Core Strategy incorporating all of the proposed changes both significant and minor as contained in Addendum 1 and Schedules 1 and 2 is attached at **Appendix 2 which is available on agenda**. Its supporting documentation is available by contacting the Spatial Planning Manager.

Next Steps

4. As soon as is reasonably practicable after Council has adopted the Core Strategy, the Council must complete the following statutory procedures;

- The Inspector's Report and Schedules of Changes, the Core Strategy and supporting documentation, the adoption statement and sustainability appraisal report must be made available during normal office hours in the places where pre-submission documents were made available (that is, the Council offices and local libraries);
 - The documents must be published on the Council website;
 - Inform stakeholders who have asked to be kept informed of the publication of the Inspector's recommendations and the adoption of the Core Strategy and let them know where the documents can be inspected;
 - Place an advertisement in the local press containing the adoption statement and the fact that the Core Strategy is available for inspection and the places and times at which the document can be inspected;
 - Send a copy of the Core Strategy and adoption statement to the Secretary of State.
5. The legal date of adoption of the Core Strategy is the day after Full Council has adopted it. 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.
- The High Court may make an interim order suspending part or whole of the document pending the final determination of the application and ultimately may quash the document in whole or part.

Corporate Director of Development and Neighbourhood Services
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Financial Implications – The production of the Core Strategy and associated documentation has been made within existing budgetary provisions.

Environmental Implications – The protection and enhancement of the Borough's natural and man-made environments is a key theme running through the Core Strategy. Policies CS2,3,6 and 10 specifically address these issues. In addition, the document has been subject to a Sustainability Appraisal and Habitats Regulation Assessment to consider its impacts, amongst other things, on environmental matters and the natural environment.

Legal Implications - The Core Strategy has been prepared under the provisions of Part 2 of 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, which make provisions for the operation of that system. Failure to comply with the provisions of the Act or Statutory Regulations may result in all or part of the Core Strategy being challenged in the High Court under section 113 of the 2004 Act, which if successful may lead to all or part of the Core Strategy being quashed.

Community Safety Implications - Policy CS 3 of the Core Strategy requires developments to be designed with safety in mind incorporating “Secure by Design” and “Park Mark” standards as appropriate.

Human Rights Implications –

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Background Papers –

- Planning Policy Statement 12: creating strong, safe and prosperous communities through Local Spatial Planning;
- The Town and Country Planning (Local Development)(England) Regulations 2004;
- The Town and Country Planning (Local Development)(England)(Amendment) Regulations 2008.

All available at www.communities.gov.uk.

- Core Strategy Issues and Options Paper;
- Preferred Options Paper;
- Publication Draft;
- Submission Draft;
- Proposed Changes Schedules.

All available at www.spatialplans.gov.uk.

- Evidence Base listed at section 17 of Core Strategy.
- Core Strategy DPD Sustainability Appraisal;
- Core Strategy DPD Habitats Regulations Assessment (Appropriate Assessment);
- Core Strategy Infrastructure Strategy;
- Core Strategy Consultation Statement.

Available on request from Spatial Planning Manager on extension 6054.

Ward

20. The provisions of the Core Strategy apply equally throughout the Borough therefore no specific ward councillors have been consulted.