

AGENDA NO

PLANNING COMMITTEE

6 SEPTEMBER 2017

**REPORT OF CORPORATE DIRECTOR,
ECONOMIC GROWTH AND
DEVELOPMENT**

**Town and Country Planning (Local Planning) (England) Regulations 2012
Local Plan Regulation 19 Consultation**

**Publication Draft Stockton-on-Tees Local Plan, Policies Map, Supporting
Documents and Evidence Base**

**Strategic Housing Land Availability Assessment (2017) and Five Year
Deliverable Supply Assessment**

SUMMARY

This report updates Members on work undertaken since the last report to Cabinet in November 2016: the preparation of the Publication draft version of the Plan - supporting documents and new evidence base. It seeks agreement to undertake and delegation of certain aspects of the processes required to enable the next stage of progress towards adoption.

Furthermore, the report gives an explanation of the updated Strategic Housing Land Availability Assessment (2017) which forms an evidence base to the Publication draft STLP and meets the requirements of the NPPF, and the Council's updated position on five year housing supply.

RECOMMENDATION:

1. Members note the content of the Publication Draft version of the Stockton on Tees Local Plan, Sustainability Appraisal and Policies Map and provide comments for consideration by Cabinet and Council
2. Members note that any minor changes to the Publication Draft of the Stockton on Tees Local Plan, Sustainability Appraisal and Policies Map are recommended for delegation to the Director of Economic Growth and Development in consultation with Chair of Planning Committee and Cabinet Member for Regeneration and Housing.
3. Members note that it is recommended that any minor changes to the Publication Draft version of the Local Plan following publicity under Regulation 19 to produce the Submission draft version of the Local Plan, and for Submission to begin the formal Examination in Public process are delegated to the Director of Economic Growth and Development in consultation with Chair of Planning Committee and Cabinet Member for Regeneration and Housing.
4. Members should note the position of the Strategic Housing Land Availability Assessment 2017, housing projections and five year supply as set out at paragraphs 26, 27 and 28 of this report.

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 may recall consideration the Regulation 18 Consultation version of the draft STLP and supporting documents in November 2016. Following Council approval of the same, the documents were published for public consultation for the period 21 November 2016 to 20 January 2017.
3. Taking into consideration the representations received at Regulation 18, and new evidence base that has been produced since the Consultation Draft, particularly around the quantum, nature and location of housing, the natural environment, transport and infrastructure landscape and Duty to Cooperate work, the Publication draft version of the new Local Plan, Sustainability Appraisal and Policies Map have been prepared for consultation. Alongside this, and as previously referred to in the report of November 2016, a Consultation Statement, and Infrastructure Strategy and Schedule (including Transport Assessment) have also been produced.
4. This report also contains a short explanation of the position of the Strategic Housing Land Availability Assessment (2017) and Five Year Deliverable Supply Assessment. A short Glossary of Terms used in this report is attached at **Appendix 1**.

Purpose of the Regulation 19 Public Consultation

5. The purpose of the consultation under Regulation 19 is to invite comment on the 'soundness' of the proposed Publication draft Local Plan. In order to meet the test of 'soundness' the Plan should be:
 - **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
 - **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
 - **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
 - **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.
5. The representations received at this stage can be acted upon if they are minor in nature. In any case, all representations received at this stage are sent to the Inspector for consideration during the independent Examination.

A New Local Plan for Stockton on Tees

6. The structure of the Publication version of the Stockton on Tees Local Plan is largely unchanged from that previously considered. The introduction sets out the purpose of the Local Plan and its relationship to other plans and strategies. It sets out the structure of document under the chapter headings of Vision and Strategic Priorities, Strategic Development Strategy, Housing, Economic Growth, Transport and Infrastructure, and Environment and Climate Change (including Historic Environment).

Local Plan Chapters

Introduction

7. The Introduction to the document explains the purpose of the draft STLP, the legislative and policy background, and our obligations in terms of Duty to Cooperate. Importantly, it shows how the Local Plan will deliver the spatial element of the Council Plan, and its links with other plans and strategies.

Strategic Objectives

8. The Plan sets out eleven strategic objectives through which it is intended to achieve the Council's vision for the Borough in 2032:

Business

- To encourage economic growth, job creation and a more entrepreneurial culture within the Borough, as a means of diversifying the economic base and strengthening existing economic strengths, clusters and sectors.

- To identify sufficient employment sites and premises to ensure the needs of inward investors, as well as, existing and new businesses are met.

People

- To support education and training opportunities to enhance the skills of the existing and future workforce, whilst retaining and attracting highly skilled people.
- To ensure sufficient land is identified for the new homes required to deliver the identified housing requirement of the population.
- To provide high quality services and facilities for the Borough's growing and ageing population, with an emphasis on health care, education and training, together with sport, leisure, recreation and cultural pursuits.
- To promote equality and diversity whilst ensuring all of Stockton-on-Tees Borough's residents live in strong, prosperous, cohesive and sustainable communities in a safe, healthy and attractive environment.

Place

- To ensure better use of resources, particularly the re-use of vacant premises and previously developed or under-used land in the conurbation.
- To deliver healthy and vibrant town centres, enhancing the role of Stockton as the main centre, and improving the environments of the Borough's district and local centres.
- To enhance local identity and sense of place through the protection and enhancement of the Borough's natural and built environment, green infrastructure, biodiversity, cultural and heritage assets.
- To achieve a healthy, vibrant and successful low carbon community, resilient to the challenges of climate change and resource pressures.

Infrastructure

- To ensure accessibility for all, to adequate transport networks, jobs, facilities, goods, services and communications within the Borough, and links to other areas of the Tees Valley and beyond.

Strategic Development Requirements

9. **Strategic Development Strategy SD2** sets out the Borough's housing requirement, based on the Objectively Assessed Need (OAN) for housing and requirements for economic growth, including town centre uses, over the plan period. Those needs are set out in Table 1 below:

Table 1 – Strategic Development Requirements

Housing			
Housing Requirement		10,150 Homes	
Calculation of the Housing Requirement		Homes	
a.	Objectively Assessed Need Backlog (2014 – 17)	2,061	
b.	Delivery (2014-17)	1,729	
c.	Residual Backlog (a-b)	332	
d.	Objectively Assessed Need (2017-32)	9,000	
e.	Older People's Need	793	
f.	Housing Requirement (c+d+e)	10,125	
g.	Housing Requirement Rounded	10,150	
Economic Growth			
<u>General Employment Land</u>		<ul style="list-style-type: none"> • 115ha 	
<u>Specialist Uses</u> (including chemical and process, energy generation, waste processes, port related uses and other uses)		<ul style="list-style-type: none"> • 120 ha 	
<u>Airport Related Uses</u>		<ul style="list-style-type: none"> • 70 ha including 20 ha for general employment uses 	
<u>Town Centre Uses (over the Borough)</u>		<ul style="list-style-type: none"> • By 2032: Up to 2,950sqm of convenience retail • Up to 2021: Up to 4,500 sq.m. of comparison retail. • (Beyond 2021 to be determined by retail capacity assessment) 	

Housing

10. This chapter sets out the Borough's housing requirement for new homes. The calculation is shown in Table 1 above (found in Figure 2 Housing Requirement Components Page 19 of the STLP), and takes account of the Objectively Assessed Need for new homes, the under delivery against that figure in previous years, and Older People's Needs.
11. Policy H1 Housing Commitments and Allocations (on page 39 of the Plan) identifies sites for new homes, the majority of which are re-affirmed commitments (sites with planning permission identified within Policy H1 at point 2) with the remainder of new homes being delivered through allocations at:

- Various sites within the conurbation/urban area
 - West Stockton Strategic Urban Extension
 - Wynyard Sustainable Settlement
12. This chapter also covers the requirement to maintain a rolling five-year supply of deliverable housing land in sustainable locations as well as the need for a range and mix of homes to suit needs of current and future residents.
13. The quantum of sites allocated for housing is capable of delivering homes beyond the identified housing requirement. This is considered appropriate as there is a necessity to ensure that there is flexibility to ensure that housing requirements are met and a rolling five year supply of deliverable housing land is maintained

Economic Growth

14. This chapter sets out the policies and sites to achieve sustainable economic growth in appropriate locations. Policy also seeks to maintain and enhance the vitality and viability of town centres, the appropriate protection, management and growth of town centres, introduces the Town Centre Hierarchy and the general considerations that apply to town centre use development proposals. It sets out the Council's approach to the development of local shops and services, farm diversification and homes proposed for agricultural, forestry and other rural based enterprise retail uses
15. Furthermore, it addresses the issues around development of specialist uses at Seal Sands, North Tees and Billingham (and Riverside) and Durham Tees Valley Airport.

Transport and Infrastructure

16. This chapter of the Plan seeks to deliver sustainable communities and promote community cohesion. It details the Council's approach to, and details supported schemes which will deliver transport, community and communications infrastructure. It seeks to secure community access to facilities to fulfil education, cultural, social, leisure/recreation and health needs. In respect of transport, where appropriate the Council will seek to work with partners to provide a sustainable transport network – including the bus, rail, and footpath and cycleway network, infrastructure that enables rail and water freight movements, and local and strategic roads that are safe and give reliable journey times.
17. In terms of new development, policy seeks to ensure that new development protects sustainable and public transport infrastructure. It seeks to protect, maintain and improve existing and address deficiencies in education, cultural, social and leisure/recreation and health facilities, including playing fields and pitches. Support is given to the expansion and enhancement of necessary communications infrastructure, including telecommunications and high speed broadband.

Environment and Climate Change

18. The Plan aims to ensure that all new development, within feasibility and viability constraints, is energy and resource efficient, provides resilience to the impacts of climate change, supports delivery of renewable and low carbon energy generation and consumption, contributes to creating a low carbon community and reduces levels of fuel poverty. It sets out the Council's approach to promoting, supporting and working with partners and developers to implement decentralised energy schemes, such as District Heat and Power Networks.
19. Furthermore, this chapter deals with flood risk, and policy seeks to protect human health, amenity or the environment, through measures to ensure that development proposals prevent or reduce ground, air or noise or light pollution.
20. The plan also seeks to plan positively for the creation, protection and enhancement and management of networks of biodiversity and green infrastructure. In particular, reference is made to the need to protect and where possible enhance internationally, nationally and locally designated sites. Policy seeks to ensure that ecological networks and green infrastructure are enhanced, extended and created and that green infrastructure to be integrated into new developments, and open space is protected.
21. This chapter is also the home to the Council's approach to positive strategy for the conservation and enjoyment of the Historic Environment, and introduces the SPD 4 Conservation and Historic Environment Folder, the Historic Environment Record and the Council's Heritage Strategy Action Plan. Policies seek to ensure the identification, conservation and enhancement of Stockton's Heritage Assets. A separate policy seeks to ensure the continued preservation of the Stockton & Darlington Railway.

The Key Diagram

22. The Key Diagram is part of the draft STLP document and is indicative. As opposed to the details given on the Policies Map, the key diagram provides a broad geographical representation of strategic locations and land uses. This can be found on page 35 of the draft STLP.

Supporting Assessments and Documents

23. The Publication draft STLP is supported by documents which direct the timetable for progression to Adoption. The documents below can be found on the Council's website:
 - The Local Development Scheme (LDS) sets out the documents which will comprise the Local Plan for the area and a timetable for their production. It is publicly available and kept up to date.
 - The Statement of Community Involvement (SCI) sets out how the Council will engage with communities when producing the Local Plan
24. Furthermore, the STLP is supported by a full range of supporting documents, and these include:

- Sustainability Appraisal (SA): This report is an assessment of the social, economic and environmental effects of the policies in the plan as a whole. It incorporates Strategic Environmental Assessment (SEA) which focuses on the environmental impacts of the policies.
 - Habitats Regulations Assessment (HRA): This assessment is a statutory requirement if it is considered likely that a plan or project will have significant effects on European habitats or species, located in the local planning authority's area or in its vicinity. The HRA has informed policies in the draft Publication STLP and the Sustainability Appraisal.
 - Infrastructure Strategy and Schedule (including Transport Assessment): The Strategy sets out baseline infrastructure and assesses what additional infrastructure will be needed to deliver the development identified in the plan. Where available, the Schedule details up to date cost estimates, timings, funding sources and mechanisms, and those responsible for delivering individual infrastructure projects.
 - Consultation Statement outlines the consultation activities undertaken in the preparation of the Stockton on Tees Local Plan. This sets out the bodies and persons the local planning authority invited to make representations, the number of representations made, a summary of main issues raised, and how they have influenced the content of the final policies.
 - Duty to Cooperate Statement of Compliance: A statement summarising the work that the Council has undertaken with adjoining local authorities and other prescribed bodies in the preparation of the Local Plan.
25. The wider evidence base documents which underpin the approach and policies in the STLP are listed in the Publication draft STLP Appendix 2 (Pages 115 and 116). The Publication Draft STLP, Sustainability Appraisal and the Policies Map are available on agenda. The supporting documents and specific evidence base documents are available in the Library in the Member's Common Room from 1st September. Furthermore, the documents will be available via the Council's website at the beginning of the consultation period.

Strategic Housing Land Availability Assessment (2017) and Five Year Deliverable Supply Assessment

26. The National Planning Policy Framework (NPPF) identifies that local planning authorities should prepare a Strategic Housing Land Availability Assessment (SHLAA) to "establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet identified need for housing over the plan period" (para 159). The NPPF also states that local planning authorities should "identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements" (para 47).

27. The Council have prepared an updated SHLAA (2017) which forms an evidence base to the publication draft STLP and meets the requirements of the NPPF. The SHLAA can be seen as providing the following purposes:
- identifying sites with potential for housing development within the Borough
 - inform the identification housing sites within the emerging Local Plan to meet identified housing needs
 - detailing the position regarding the ability to demonstrate a five year supply of deliverable housing land
 - assisting in understanding the weight that can be given to the Council's housing supply policies in making decisions on planning applications
28. The conclusion of the SHLAA demonstrates that sufficient sites have been identified to meet housing needs over the plan period and that a five year supply of deliverable housing can now be demonstrated.

Next Steps

29. Following consideration of comments made by Planning Committee, the next steps are endorsement of the Publication draft STLP, Policies Map, supporting documents and evidence base by Cabinet and thence onwards to approval by Full Council. Thereafter, all documents will be made available for a period of public scrutiny (Regulation 19) scheduled to commence on Monday 25th September and closing on Friday 3rd November 2017.
30. Following the Regulation 19 consultation, the Submission version of the Local Plan, Policies Map together with all supporting documents and any representations that have been received, will be submitted to the Secretary of State for Examination by an independent Inspector. It is expected that this process will begin in Winter 2017/18.
31. To enable the proper functioning of the independent Examination, a Programme Officer will be appointed to organise the Examination under the direction and guidance of the independent Inspector.
32. The public element of the Examination is likely to take place in Spring/Summer 2018, the timetable of which is determined by the Planning Inspectorate. The usual format for examination is a series of public hearing sessions, which allow interested parties to participate in proceedings.
33. Once the examination process is complete, the Inspector will present the findings to the Council in the form of a report. Assuming that the STLP is found sound, it is adopted by Full Council. It is envisaged that adoption will take place by the end of 2018.

Corporate Director of Economic Growth and Development
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Financial Implications –

Provisions for the production of the Stockton on Tees Local Plan has been made within existing budgetary provision.

Environmental Implications –

The Stockton on Tees Local Plan contains a number of policies which seek to protect, preserve and enhance the built and natural environment of the Borough. The document has been subject to Strategic Environmental Assessment and Sustainability Appraisal to ensure that the policies it contains will not have a detrimental impact on the Borough's environment and that, taken as a whole, the strategy for development contained in it represents the most sustainable option when considered against alternatives.

Legal Implications –The Stockton on Tees Local Plan have been prepared under the relevant provisions 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 and 2009, which until April 2012, made provisions for the operation of that system. Since April 2012, documents have been prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, which includes saving provisions for work undertaken in line with the previous regulations. 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.

Community Safety Implications - The Stockton on Tees Draft Local Plan supports the creation of safe communities via policies which seek to create attractive, safe developments where people want to visit and the development of a wider evening economy in the Borough.

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 -

- 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

Ward

The contents of the Stockton on Tees Local Plan affects all wards of the Borough.

Appendix 1
Glossary of Terms

Alteration No 1	Adopted in 2006, this document is a partial review of the Stockton on Tees Local Plan (1997). It sets out a clear framework for determining both retail and town centre related proposals.
Development Plan	This generic term includes Local Plans, neighbourhood plans and the London Plan, and is defined in Section 38 of the Planning and Compulsory Purchase Act.
Consultation Statement	This Consultation Statement describes how the Council has undertaken community participation and stakeholder involvement in the production of the Local Plan, setting out how such efforts have shaped the Plan and the main issues raised by consultation / representations. It is produced to respond to and therefore fulfil requirements set out in the Town and Country Planning (Local Planning) (England) Regulations 2012, and specifically Regulation 22(1) part (c).
DPD	Development Plan Document – A document that forms part of the development plan
Duty to Co-operate	A ‘Duty to Cooperate’ was introduced by the Localism Act 2011, to ensure that local planning authorities and other public bodies work together in relation to the planning of sustainable development that extends beyond their own administrative boundaries. Local planning authorities must demonstrate their compliance with the Duty to Cooperate when the Local Plan is examined.
Local Plan	<p>The plan for the future development of the local area, drawn up by the local planning authority in consultation with the community.</p> <p>In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. Current core strategies or other planning policies, which under the regulations would be considered to be development plan documents, form part of the Local Plan.</p> <p>The term includes old policies which have been saved under the 2004 Act. Local Plans set out a framework for the future development of an area on a 15-year horizon. They define; the priorities for an area, strategic policies, the framework for neighbourhood plans, land allocations, infrastructure requirements, housing needs, requirements for safeguarding the environment, measures for adapting to climate change and so on. These policies are illustrated geographically on a policies map.</p> <p>Local plans are also the starting-point for considering whether planning applications should be approved.</p>

Local Plan Examination	Process by which an independent Inspector conducts the examination into the Local Plan to determine whether it is sound and can be adopted by the Council.
Local Plan Stages	<pre> graph TD S1[1. Initial evidence gathering and consultation] --> S2[2. Publication] S2 --> S3[3. Submission] S3 --> S4[4. Found sound] S4 --> S5[5. Adoption] </pre> <p>1. Initial evidence gathering and consultation</p> <ul style="list-style-type: none"> Formulate initial aims and objectives Begin evidence gathering Notify relevant consultation bodies and those carrying on business in the area and invite them to make representations <p>2. Publication</p> <ul style="list-style-type: none"> Local Plan is formally published for a minimum of six weeks for representations to be made <p>3. Submission</p> <ul style="list-style-type: none"> Local Plan, representations and other required documents are submitted to the Planning Inspectorate. Inspectorate arrange for the Local Plan to be scrutinised through an examination by an independent inspector. <p>4. Found sound</p> <ul style="list-style-type: none"> Inspector writes a report setting out whether the Local Plan is sound and satisfies legal requirements. If the Local Plan is not sound, the local planning authority can ask the inspector to recommend modifications to make it sound. <p>5. Adoption</p> <ul style="list-style-type: none"> If the inspector recommends that the Local Plan may be adopted, the local planning authority may formally adopt it (usually by a vote in full Council). Once adopted, it is part of the development plan for the local area.
Planning Inspectorate	The Planning Inspectorate for England and Wales is an executive agency of the Department for Communities and Local Government. Planning inspectors are responsible for deciding most planning and enforcement appeals on behalf of the Secretary of State, and play a role in relation to Nationally Significant Infrastructure and plan-making.
The ‘Regulations’	The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
Regulation 18	<p>The Regulation 18 consultation marks the start of the engagement stage of the Local Plan and represents the scoping stage to decide what should be included in the Plan.</p> <p>Regulation 18 of the Town and Country Planning (Local Planning) Regulations 2012 requires that various bodies and stakeholders are notified that the council is preparing a plan. It invites them to comment about what that plan ought to contain.</p>
Regulation 19	<p>Regulation 19 stage of plan making sees the Publication of the draft plan. As the plan-making process continues, the number of policy options have been refined and become more focussed.</p> <p>This reflects the purpose of Regulation 19 as a planning document with specific policy recommendations for an area, resulting in more formal and technical questions in the consultation process.</p>

	These questions relate to the four Tests of Soundness and whether the draft Local Plan is compliant with relevant legislation. At this stage representations should be made in relation to legal compliance and soundness of the plan.
Tees Valley Joint Minerals and Waste Core Strategy and Policies and Sites DPDs	Part of the Development Plan for the Borough. These documents contain the planning policies and site allocations on minerals and waste developments until 2026.
SHLAA	The Strategic Housing Land Availability Assessment identifies land and assesses the availability, suitability and deliverability of that land as a potential housing site. This evidence helps identify what land is theoretically available for housing development. It is used alongside other pieces of evidence to identify potential locations for housing to be allocated in the emerging Local Plan.
SPD	Supplementary Planning Documents (SPDs) are intended to provide detailed guidance on how planning policy will be implemented.