

**AGENDA NO
PLANNING COMMITTEE
16 JANUARY 2019
REPORT OF DIRECTOR
ECONOMIC GROWTH AND DEVELOPMENT**

STOCKTON-ON-TEES LOCAL PLAN

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.

Furthermore, the report gives a position statement on the demonstration of a Five Year Supply of Deliverable Housing Sites.

RECOMMENDATION

1. Members note the conclusions of the Report on the Examination of the STLP received from the Planning Inspectorate (see paragraph 313) which recommended that, subject to modifications, the Local Plan can be adopted.
2. Members note that it is recommended that the version of the STLP attached at Appendix 1 (including main modifications and additional modifications) and Policies Map (Appendix 2) be adopted, subject to minor formatting and grammatical changes.
3. Members note that the Core Strategy (2010) policies and saved Local Plan (1997) and Alteration Number 1 (2006) policies will be superseded upon adoption of the STLP.

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) alongside previous versions of the plan, other supporting documents, and the Examination Library. 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 to be recommended that it be adopted as Council policy. The Local Plan attached at Appendix 1 has been reformatted ready for adoption, but may be subject to minor grammatical and formatting changes which do not materially alter policies in the Local Plan. A final version of the Local Plan will be available for the . 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.

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Financial Implications – Provisions for the production of the STLP has been made within existing budgetary provision.

Environmental Implications - The STLP 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, Sustainability Appraisal and Habitat Regulation Assessment 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 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.

Community Safety Implications - The STLP 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 –

Appendix 1: Stockton-on-Tees Local Plan (adoption version)

Appendix 2: Stockton-on-Tees Local Plan Policies Map (adoption version)

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