

<b>Report of:</b>	<i>Executive Director for Growth and Place, Kevin Parkes Executive Member for Economic Development and Infrastructure: Cllr Lewis Young</i>
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**AGENDA ITEM 5**

<b>Submitted to:</b>	<i>Executive 2<sup>nd</sup> October 2018</i>
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<b>Subject:</b>	<i>Publication Local Plan</i>
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**Summary**

<b>Proposed decision(s)</b>
<i>That the Executive endorses the Publication Local Plan and recommends that the Borough Council approves it and its subsequent submission to the Secretary of State for Independent Examination.</i>

Report for:	Key decision:	Confidential:	Is the report urgent?
<i>Decision</i>	<i>Yes</i>	<i>No</i>	<i>No</i>

Contribution to delivery of the 2018-22 Strategic Plan		
Business Imperatives	Physical Regeneration	Social Regeneration
<i>The Local Plan through identification of future development opportunities is an important tool in securing future Council Tax and Business Rate growth to support the long-term financial stability of the Council.</i>	<i>The Local Plan is fundamental in ensuring that the Council’s aspirations for physical regeneration are delivered. It provides the planning framework to facilitate aspirations and ambitions.</i>	<i>Delivering and meeting the Council’s social regeneration agenda is at the core of the Local Plan, and is a key aspect of the policies and proposals within the Plan.</i>

<b>Ward(s) affected</b>
<i>All Wards</i>

## **What is the purpose of this report?**

1. This report seeks approval for the Publication Local Plan and its subsequent submission to the Secretary of State for Independent Examination.

## **Why does this report require a Member decision?**

2. The decision to approve the Publication Local Plan is a non-executive function, and must be made the Borough Council, in accordance The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and the Council's constitution.

## **Report Background**

3. Under the provisions of the Planning and Compulsory Purchase Act 2004, the Council is required to prepare a statutory development plan for the borough that sets out the policies and land allocations to guide development in the area.
4. The Local Plan is being prepared to replace the Council's existing planning policy framework. It sets out the Council's long-term development strategy for the borough, for a variety of different types of development including housing, employment, retail centres, the natural and built environments, and transport. Critically, it aims to deliver sufficient housing to reverse population decline and support economic growth.
5. The Executive approved the Local Plan Preferred Options in May 2018, following which a period of public consultation took place between May and July. During this period, 762 comments were received, along with three postal petitions (72, 36 and 156 signatures respectively) and an online petition (1,035 signatures). All of the issues raised from the comments received have been taken into account in preparing the Publication Local Plan.
6. Details of the consultation on the Preferred Options are set out in the 'Middlesbrough Local Plan Review – Preferred Options Consultation', which is attached as Appendix 2.
7. The next stage is to publish the Local Plan for a period of six weeks. This is the 'final' version that the Council intends to adopt as its statutory development plan. 'Publication' is a statutory requirement within the plan making process, the purpose of which is to make the Local Plan available for inspection and invite formal representations upon it. It is important to note that this is not a consultative stage where comments can change or shape the Local Plan. Instead, it provides the opportunity for interested parties and stakeholders to make formal representations, which must relate only to matters of soundness or legal compliance. The representations period for the Publication Local Plan will be from 9<sup>th</sup> November until 21<sup>st</sup> December 2018.
8. The structure of the Publication Local Plan is as follows:

<b>Chapter</b>	<b>Strategic Objective</b>	<b>Summary of Policy Approach</b>
Chapter 1 – Introduction		Explains the purpose and role of the Local Plan.
Chapter 2 – Strategy and Vision		Sets out the overall strategy, taking account of the Mayor’s Vision and other key Council strategies, and includes a Vision of how Middlesbrough will have developed by 2034.
Chapter 3 – Creating a City Centre for the Tees Valley	To attract city-scale development to Middlesbrough, and strengthen its role as the principal centre of the Tees Valley.	Includes an approach to support the key projects from the Council’s Investment Prospectus.
Chapter 4 – Promoting Economic Growth	To support a growing economy through the provision of a range of commercially attractive development sites.	An overarching economic strategy with policies identifying the role of key employment sites, and specific policies for Tees Advanced Manufacturing Park (TeesAMP), Hemlington Grange Business Park, and Town Centre Grade A Offices. Also includes the policy for the Town Centre and the network of other centres, and a new policy to control Hot Food Take Away uses.
Chapter 5 – Making Great Places to Live	To deliver a range of high quality homes that meet local needs and aspirations.	Overall strategy for housing, including the minimum housing requirement of 425 dwellings per annum, a range of sites on which housing will be delivered with capacity to support higher levels of delivery (including the new strategic site at Stainton Vale Farm), the Affordable Housing Policy, and the policy for Gypsy, Traveller and Travelling Showpeople Accommodation.
Chapter 6 – Creating Quality Places	To provide a network of infrastructure that makes Middlesbrough a great place to live.	The approach for ensuring that our communities are well served by infrastructure, including transport, green infrastructure, education, health and cemeteries.
Chapter 7 – Managing the Historic Environment	To provide a network of infrastructure that makes Middlesbrough a great place to live.	The approach to managing the key historic assets within the borough, including scheduled monuments, archaeological sites, Albert Park (Registered Park and Garden), listed buildings, conservation areas and Locally Listed Buildings/Sites.
Chapter 8 – Development Management	To achieve high quality well designed development in the right place	Development management policies on general principles, design, developer contributions, development limits, and on the conversion of houses to smaller residential uses.

9. It is a requirement that we publish a number of submission documents alongside the Local Plan. These are technical documents that do not require a decision, and will include:

- A Submission Policies Map, detailing changes to be brought about as a result of the Local Plan;
- A Sustainability Appraisal Report, which will be accompanied by the Habitats Regulations Assessment;
- A statement detailing how consultation has been carried out at earlier stages in the plan making process; and
- Any other supporting documents that have been relevant to the preparation of the Local Plan (i.e. the evidence base).

### **What decision(s) are being asked for?**

10. That the Executive endorses the Publication Local Plan and recommends that the Borough Council approves it and its subsequent submission to the Secretary of State for Independent Examination.

### **Why is this being recommended?**

11. The approval of the Local Plan will allow it, invite formal representations to it and, subsequently, submit it to the Secretary of State for its Independent Examination. The Local Plan is critical for delivering some of the Council's key strategic objectives, in particular reversing population decline, increasing the housing supply and supporting economic growth. It is a statutory requirement to prepare a Local Plan. It will be used as a basis for determining planning applications and will, ultimately, help the Council maintain control of the quality of development in the borough.

### **Other potential decisions and why these have not been recommended**

12. **Not to approve the Publication Local Plan.** This will mean that we will no longer progress the Local Plan review as agreed previously by Executive, and will retain existing out-of-date policies for longer. This will, in turn, present more challenges in achieving the type and quality of development that will help the Council realise its ambitions.

### **Impact(s) of recommended decision(s)**

#### ***Legal***

13. There is a statutory duty to prepare a Local Plan in accordance with the Planning and Compulsory Purchase Act 2004. Failure to have an up to date Local Plan will result in the Council, as local planning authority, losing some control over the decision making process for planning applications. Publication is a statutory stage within the plan making process.
14. The Local Plan must also be prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 and the National Planning Policy Framework. Failure to do so may result in the Planning Inspector finding the plan unsound and/or not legally compliant through the Independent Examination.
15. The Localism Act 2011 places a 'Duty to Cooperate' on local planning authorities to work in cooperation with other specified bodies in considering any cross-boundary and strategic issues when preparing their local plans. Failure to do so may result in the Planning Inspector finding the plan not legally compliant through the Independent Examination.

## ***Financial***

16. The costs associated with the preparation of the Publication Local Plan, and the associated public participation, are being met from established departmental budgets.
17. Over the lifetime of the Local Plan, it is anticipated that it will help secure development that will substantially broaden the Council Tax base (both in terms of overall number of chargeable dwellings and the proportion of those dwellings at Band D and above), support Business Rates growth and attract additional funding via the New Homes Bonus. These are critical for the financial sustainability of the Council, and will help achieve the objectives of the Medium Term Financial Plan.
18. Future costs associated with the Independent Examination will be incurred during the financial year during which the Inspector's Report is received, currently expected to be during 2019/20. These costs will be met, as much as is possible, from departmental budgets. However, as the extent of these costs are unknown, additional funding may be required from central resources.

## ***Policy Framework***

19. The decision to approve the Publication Local Plan will confirm how the Council intends to amend the Policy Framework. However, the Policy Framework will not be amended until the final version of the Local Plan is adopted; this will be the subject of a future report to the Borough Council.

## ***Equality and Diversity***

20. The Local Plan must be prepared in accordance with the Planning and Compulsory Purchase Act 2004. As such, it must be subject to sustainability appraisal, which considers the impact it will have on, amongst other things, equality and diversity.
21. In addition, all consultation associated with the Local Plan has been, and will be, undertaken in accordance with our adopted Statement of Community Involvement. This will help to ensure that we appropriately involve all of our communities in the preparation of our planning policies.
22. The Publication Local Plan has been subject to an initial Impact Assessment (IA), which accompanies this report (see Appendix 3). This identifies that a full IA is not necessary.

## ***Risk***

23. The new Local Plan will help enable and manage the delivery of new development, which is central to realising the Council's economic growth ambitions for its communities. An adopted Local Plan also provides a degree of certainty to landowners, investors and businesses who wish to develop land in the borough. Additional development has been identified as critical to the Council's Strategic Plan and Medium Term Financial Plan. New economic development will help to increase business rates, which is increasingly important as the Council moves towards becoming self-financing and retaining 100% of these. The delivery of new homes will help broaden the council tax base through an overall increase in properties, and through a shift towards rebalancing the stock through the development of more

properties in Band D and above. New housing also attracts additional Government funding through the New Homes Bonus. The Local Plan, therefore, helps to mitigate against Corporate Risk 01-005: *If poor economic growth occurs, then this will reduce public and private sector investment in the town, including town centre retail, housing development and business.*

24. Failure to approve the Publication Local Plan Preferred will delay the Local Plan review, and make it more difficult to achieve the quantity and quality of development required for the Council to meet its strategic objectives, and achieve the level of business rates and council tax growth required to meet its Medium Term Financial Plan.

### **Actions to be taken to implement the decision(s)**

25. 'Publication' is a statutory requirement within the plan making process, the purpose of which is to make the Local Plan available for inspection and invite formal representations upon it. It provides the opportunity for interested parties and stakeholders to make formal representations, which must relate only to matters of soundness or legal compliance. Once approved, the Publication Local Plan will be made available for representations for a period of six weeks, between 9<sup>th</sup> November and 21<sup>st</sup> December 2018.
26. Following the publication period, all representations received will be submitted, alongside the Local Plan and other submission documents, to the Secretary of State for Housing, Communities and Local Government, ahead of Independent Examination by a Government appointed Planning Inspector. The submitted documents will form the basis for the examination, during which they will be subject to scrutiny by the inspector, who will determine whether the Local Plan is 'sound', deliverable and meets local needs. The Council will only be able to adopt the Local Plan if it is found to be sound through this process.

### **Appendices**

- Appendix 1 – Publication Local Plan.
- Appendix 2 – Middlesbrough Local Plan Review – Preferred Options Consultation.
- Appendix 3 – Initial Impact Assessment of the Local Plan Preferred Options report.

### **Background papers**

<b>Body</b>	<b>Report title</b>	<b>Date</b>
Middlesbrough Council	Local Plan Issues Paper	November 2016
Middlesbrough Council	Local Plan Preferred Options Report	May 2018

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