

<b>Report of:</b>	Director of Regeneration Executive Member for Regeneration
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<b>Submitted to:</b>	Council
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<b>Date:</b>	30 November 2022
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<b>Title:</b>	Local Plan Scoping Report and Evidence Base
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<b>Report for:</b>	Decision
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<b>Status:</b>	Public
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<b>Strategic priority:</b>	Physical environment
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<b>Key decision:</b>	No
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<b>Why:</b>	
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<b>Urgent:</b>	No
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<b>Why:</b>	
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### **Executive summary**

This report seeks approval for the Local Plan Scoping Report. This is the first stage of preparing the new Local Plan and will ensure that the initial legal requirements for its preparation are met.

A public consultation will take place between 5<sup>th</sup> December 2022 and 31<sup>st</sup> January 2023 to notify statutory and general consultees of the intention to prepare a new Local Plan and invite representations on what it ought to contain. Consultation will also take place on the associated Sustainability Appraisal Scoping Report, and the Call for Sites.

## **Purpose**

1. This report seeks approval for the Local Plan Scoping Report.

## **Background and relevant information**

2. 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.
3. In September 2022, the Council agreed to formally cease work on the previous emerging Local Plan. It also agreed a new Local Development Scheme, which identified that a new Local Plan would be prepared and the timetable for doing so. The first stage in the Local Plan process is the Local Plan Scoping Report.
4. Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (the Regulations) requires that, in order to commence preparation of a Local Plan, the local planning authority must notify each of the specified bodies and persons of the subject of the Local Plan and invite them to make representations on what the Local Plan ought to contain.
5. The Local Plan Scoping Report identifies that the Middlesbrough Local Plan will cover the entire Middlesbrough Local Authority area and will cover all planning matters, except for Minerals and Waste. These matters will continue to be dealt with jointly with the other Tees Valley local planning authorities.
6. A Sustainability Appraisal (SA) Scoping Report has been prepared to accompany the Local Plan Scoping Report. SA is a statutory requirement under the planning legislation that ensures that environmental, economic and social considerations are taken into account when preparing the Local Plan. The SA Scoping Report will be subject to public consultation alongside the Local Plan Scoping Report.

## **Local Plan evidence base**

7. The evidence base, upon which the Local Plan will be prepared, is comprised of several technical research documents to inform plan preparation. Completed studies are already publicly available, and future studies will be made available as soon as they are ready. These evidence studies are not themselves generally subject to direct public consultation, or require political approval to commission, but they can be scrutinised through the Local Plan process at the various stages of consultation and through the Independent Examination. It is the intention that officers keep this evidence base under review and updated as required.
8. As part of reviewing the evidence base, the Council will undertake a 'Call for Sites' alongside the consultation on the Local Plan Scoping Report. This will involve publishing a list and maps of all the sites that have already been submitted to the Council to be assessed as potential future housing allocations, alongside our established economic development sites, and asking if there are any other sites that landowners would like to be assessed. All housing sites will be included in a future 'Strategic Housing Land Availability Assessment' (SHLAA), and any additional employment sites will be assessed

in line with the Employment Land Review (ELR). The SHLAA and the ELR will be used to guide the selection of the housing and employment allocations in the new Local Plan.

### **Next Steps**

9. Once the Local Plan Scoping Report is approved, public consultation will be undertaken between 5<sup>th</sup> December 2022 and 31<sup>st</sup> January 2023 in accordance with the regulations. This will include writing to statutory and other consultees, making the document available on the Council's website and in Middlesbrough House, libraries and Community Hubs, and inviting representations on the matters the Local Plan ought to contain. Full details of the consultation are attached at Appendix 2.
10. Following the consultation period, all representations made will be considered and a report of consultation prepared that details these representations. All the representations will be taken into consideration as the Draft Local Plan is prepared. A further period of public consultation will take place on the Draft Local Plan. This is currently timetabled for June 2023.

### **What decision(s) are being recommended?**

11. That the Council approves the Local Plan Scoping Report.

### **Rationale for the recommended decision(s)**

12. In order to meet the Council's statutory duty to prepare a Local Plan, and to satisfy the Regulations, it is necessary to invite representations on what the Local Plan ought to contain. The approval of the Local Plan Scoping Report will allow the Council to meet its statutory duties, and formally commence work on a new Local Plan.

### **Other potential decision(s) and why these have not been recommended**

13. No other potential decisions have been considered, as this decision necessary to meet our statutory requirements. The Council has already agreed to the process and timetable for preparing the new Local Plan in September 2022.

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

#### ***Legal***

14. The preparation of the Local Plan must be undertaken in accordance with the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012. This includes the requirement to undertake a Sustainability Appraisal of the Local Plan at each stage of its preparation.
15. Decisions on the statutory stages of the Local Plan are a non-executive function and must be made by the Council, as required by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and the Council's Constitution.
16. There is a statutory requirement for the Council to prepare a Local Plan for the borough. The Local Plan Scoping Report will satisfy the legal requirements governing commencing preparation of a new Local Plan.

17. The adopted Local Plan for the borough will not be affected by this decision. It will continue to be used in the determination of planning applications until a new Local Plan is prepared.

**Strategic priorities and risks**

18. The following risks are affected by this report:

O8-055	If the Council doesn't respond effectively and efficiently to legislative changes it could be in breach of statutory duties in relation to service delivery and fail to make the most of opportunities.	The proposal to withdraw the emerging Local Plan has been considered in accordance the legislation and latest Government guidance. The proposal will provide the opportunity to best ensure legislative requirements will be satisfied, so this will have a positive impact on this risk.  Continuing to prepare the emerging Local Plan presents a risk that it will be found unsound through the examination process, resulting in having to restart the work in any case.
O1-005	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.	The development of a new local plan will support the revitalisation of the town with urban housing etc. so will have a positive impact on this risk.
O1-051	A major downturn in housing growth that results in a significant decline in new housebuilding in Middlesbrough, resulting in lower house building rates lower Council Tax receipts and thereby increasing the risk of impact on successful delivery of the MTFP.	By producing a new local plan with revised base data this will ensure that the correct data is being utilised and that any links with the MTFP will be more accurate so this will have a positive impact on this risk.
O1-052	Substantial areas of the town have high residential voids/low sales values and high population churn, effectively creating market failure resulting in significant social consequences which in turn have implications for Council resources and service delivery. Such an approach is unsustainable and will result in the need for significant market	By reviewing the local plan it will create a positive planning framework for areas across the Borough but with the new strategic direction this will look at the revitalisation of the town centre so this would have a positive impact on this risk.

	invention at great cost to the Council.	
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### ***Human Rights, Equality and Data Protection***

19. The Local Plan Scoping Report 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.

### ***Financial***

20. The costs associated with preparing and consulting upon the Local Plan Scoping Report are being met through established departmental budgets.

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

<b>Action</b>	<b>Responsible Officer</b>	<b>Deadline</b>
The Local Plan Scoping Report will be published on the Council's website.	Alex Conti, Strategic Policy Manager	December 2022
The Local Plan Scoping Report will be made available to view in Middlesbrough House and all libraries and Community Hubs in the borough.	Alex Conti, Strategic Policy Manager	December 2022
A period of public consultation will take place between 5 <sup>th</sup> December 2022 and 31 <sup>st</sup> January 2023 in accordance with the Consultation Plan. All statutory and other consultees will be notified directly and invited to make representation on the Local Plan Scoping Report	Alex Conti, Strategic Policy Manager	December 2022

### **Appendices**

<b>1</b>	Local Plan Scoping Report
<b>2</b>	Local Plan Scoping Report Consultation Plan
<b>3</b>	Initial Impact Assessment of the Local Plan Scoping Report

### **Background papers**

<b>Body</b>	<b>Report title</b>	<b>Date</b>
Middlesbrough Council	Review of Emerging Local Plan	September 2022

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