

<b>MIDDLESBROUGH COUNCIL</b>	
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<b>Report of:</b>	Director of Regeneration
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<b>Relevant Executive Member:</b>	Executive Member for Regeneration
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<b>Submitted to:</b>	Executive
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<b>Date:</b>	17 January 2024
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<b>Title:</b>	Draft Local Plan
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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>	Not applicable
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<b>Subject to call in?:</b>	Yes
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<b>Why:</b>	Not Urgent
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<b>Proposed decision(s)</b>
That the Executive: <ul style="list-style-type: none"><li>• Endorses the Draft Local Plan for the purpose of public consultation.</li></ul>

<b>Executive summary</b>
This report seeks endorsement of the Draft Local Plan, which sets out the Council’s emerging planning policy framework that will guide development and decisions on planning applications, and covers the period 2022 – 2041. Critically, it sets out the housing allocations where new housing development is proposed to take place, alongside other planning policies for: housing; economic growth; green and blue

infrastructure; physical, social and environmental infrastructure; the historic environment; and design/placemaking. Once agreed, the Draft Local Plan will be subject to public consultation, following which the plan will be finalised and subject to further statutory consultation. It will then be submitted to the Government for independent examination ahead of its adoption.

There is a statutory duty for the Council to prepare a Local Plan for its area. The Draft Local Plan has been prepared in accordance with national policy and legislation, taking into account other Council plans and strategies. This includes being based on a robust evidence base.

The implications of the recommendations have been considered by the appropriate officers of the Council and are set out in the main body of the report.

**1. Purpose**

1. To seek endorsement of the Draft Local Plan for the purpose of public consultation.

**2. Recommendations**

That the Executive

- Endorses the Draft Local Plan for the purpose of public consultation.

**3. Rationale for the recommended decision(s)**

2. It is a statutory requirement to prepare a Local Plan that identifies land for development and can be used as a basis for determining planning applications. The Local Plan is critical for delivering some of the Council’s key strategic objectives, in particular population retention, increasing the housing supply and supporting economic growth. The development it will help secure will make a positive contribution to the financial sustainability of the Council.
3. Whilst the Draft Local Plan stage is not in itself a statutory requirement, it will enable the Council to undertake necessary public consultation and progress to subsequent stages of plan preparation. An up-to-date Local Plan will also help the Council maintain control of development in the borough.

**4. Background and relevant information**

4. Under the provisions of the Planning and Compulsory Purchase Act 2004, the Council is required to prepare a statutory development plan, otherwise known as a Local Plan, for the borough that sets out the policies and land allocations to guide development in the area. The Local Plan is a strategic document that will help facilitate the right type of development the Council wishes to deliver to achieve its ambitions and support the long-term financial sustainability of the borough.

5. Currently, the statutory development plan for Middlesbrough comprises a number of documents:
  - the Housing Local Plan 2014;
  - the Joint Tees Valley Minerals and Waste Core Strategy Development Plan Document (DPD) 2011;
  - the Joint Tees Valley Minerals and Waste Policies & Sites DPD 2011;
  - part of the Middlesbrough LDF Core Strategy 2008 (policies that that haven't been replaced or deleted);
  - part of the Regeneration DPD 2009 (policies that that haven't been replaced or deleted);
  - part of the Local Plan 1999 (policies that that haven't been replaced or deleted); and
  - adopted Neighbourhood Plans for Stainton and Thornton, and Marton West.
6. In September 2022, the Council agreed to commence work on a new Local Plan for the borough. The purpose of the review is to ensure all of the Council's planning policies are up-to-date, and to bring them together into a single document. The review excludes Minerals and Waste policies, which were adopted jointly across the Tees Valley in 2011 and will be reviewed jointly by the Tees Valley Authorities separately to the Local Plan review. The review also excludes the adopted Neighbourhood Plans, which are prepared at the neighbourhood level and remain the responsibility of their respected Neighbourhood Forums or Parish Councils.
7. In November 2022, the Council approved the Local Plan Scoping Report. This enabled the local planning authority to meet Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 by notifying each of the specified bodies and persons of the subject of the Local Plan and inviting them to make representations on what the Local Plan ought to contain. The Scoping Report was subject to public consultation between 5<sup>th</sup> December 2022 and 31<sup>st</sup> January 2023. The Report of Consultation on the Local Plan Scoping Report is attached as Appendix 2 to this report.

### **Draft Local Plan**

8. The Council has since prepared the Draft Local Plan, attached as Appendix 3 to this report. A robust and credible evidence base has been used to help establish the draft policy framework, in line with national planning policy. It is particularly important that we base our planning policies upon this evidence as it helps to ensure that the Council is planning for the correct level of development to meet local needs and to deliver its ambitions. It also helps to ensure that the Local Plan is prepared in a legally compliant and sound way, and will stand up to independent scrutiny through the Independent Examination process that will take place at a later stage of plan preparation.
9. In addition to ensuring identified needs are met, the Draft Local Plan incorporates policies to support the wider ambitions of the Council, as set out in other plans and strategies, and the Strategic Objectives agreed previously in the Scoping Report. It takes into account the comments received during the earlier consultation on the Scoping Report, and sets out the Council's preferred approach for each policy area that the Local Plan will seek to address.

10. The structure of the Draft Local Plan is as follows:

Chapter	Strategic Objective	Summary of Policy Approach
1. Introduction		
2. Strategy and Vision		Sets out the Vision to 2041, overall development strategy, and policy on the Middlesbrough Development Corporation area.
3. Creating Quality Places	<ul style="list-style-type: none"> <li>• <b>Objective A</b> To deliver new high quality, well-designed and energy efficient development that meets the needs and aspirations of our current and future residents</li> <li>• <b>Objective H</b> To achieve healthy and safe communities</li> </ul>	Includes design and generic development control policies to ensure development is of high quality and helps create quality places.
4. Economic Growth	<ul style="list-style-type: none"> <li>• <b>Objective B</b> To revitalise Middlesbrough Town Centre through diversifying our retail and leisure offer, and attracting new urban dwellers, supported by a strong network of district and local centres</li> <li>• <b>Objective C</b> To strengthen our local economy by supporting existing businesses and attracting new employers</li> </ul>	Sets out the economic growth policies for industrial and employment areas, and the Town Centre. Helps to create an environment conducive to securing investment.
5. Housing	<ul style="list-style-type: none"> <li>• <b>Objective D</b> To build high quality homes that help strengthen our communities</li> </ul>	Includes policies determining the overall housing requirement, the type and mix of housing that will be required, site allocations, affordable housing, the approach to Gypsies, Travellers and Travelling Showpeople, and policies for guiding conversions and changes of use to Houses in Multiple Occupation.
6. Green and Blue Infrastructure	<ul style="list-style-type: none"> <li>• <b>Objective E</b> To protect and enhance our Green and Blue Infrastructure Network</li> </ul>	Sets out our approach to protecting existing open spaces and securing new ones as part of new development.
7. Physical, Social and	<ul style="list-style-type: none"> <li>• <b>Objective F</b> To ensure that new development is properly served by, and sustainably connected to,</li> </ul>	Includes policies that set out our approach to securing infrastructure that supports new development, including transport,

<p>Environmental Infrastructure</p>	<p>new and improved physical, social and environmental infrastructure</p> <ul style="list-style-type: none"> <li>• <b>Objective H</b> To achieve healthy and safe communities</li> </ul>	<p>community facilities, education, health, communications and burial grounds.</p>
<p>8. Historic Environment</p>	<ul style="list-style-type: none"> <li>• <b>Objective G</b> To recognise and value our historical and culturally important assets</li> </ul>	<p>Sets out policies to manage listed buildings, conservation area and other designated &amp; non-designated heritage assets.</p>

11. The Draft Local Plan covers the whole of the borough of Middlesbrough, including the part that is covered by the Middlesbrough Development Corporation (MDC). Whilst the MDC is the planning authority for making decisions on planning applications in that area of the town, Middlesbrough Council remains the plan-making authority. Although limited information has been provided regarding the development ambitions of the Corporation, including on sites that are subject to the asset transfer from the Council, Officers have endeavoured to work collaboratively with the MDC in preparing the plan. Officers will continue to seek a collaborative approach as the Local Plan is progressed. Once adopted, the Council and the MDC will both be required to make decisions in accordance with the Local Plan unless material considerations indicate otherwise.
12. One of the key issues that the Local Plan will address is the need for housing and the supply of land to address this need. The Draft Local Plan identifies the level of need as being 400 dwellings per annum, taking into account our jobs growth ambitions of 350 additional jobs per annum. Overall this equates to a requirement for an additional 7,600 dwellings between 2022 and 2041. This is the minimum level of housing that is required, and housing allocations are proposed to meet this requirement plus an additional buffer of just over 11%. This buffer allows for variations in delivery and help ensure that the Council maintains a 5 year land supply.
13. The Draft Local Plan also seeks to reflect key aspects of the adopted Green and Blue Infrastructure Strategy and identifies and protects a network of key open spaces to meet the needs of existing and future residents. The Draft Local Plan includes enhancements to open space at through larger housing allocations including the Stainsby Country Park.
14. The Draft Local Plan has been subject to sustainability appraisal (SA), which is a legal requirement of plan preparation. The SA assesses the draft policies against the Council’s sustainability framework, along with alternative options, to ensure that the preferred approach promotes a sustainable pattern of development. The SA is an independent assessment, having been prepared by consultants. The SA report will be subject to public consultation alongside the Draft Local Plan.
15. Public consultation is programmed to take place on the Draft Local Plan between 1<sup>st</sup> February and 15<sup>th</sup> March 2024. Various awareness raising and engagement methods will be used including direct communication with Local Plan consultees, site notices at proposed allocations, a press release and promotion through social media. We will be

holding a series of public drop in sessions across the borough (the dates and venues for which are still being finalised). In addition, all ward members have been invited to briefings and workshops to discuss the planning issues in their areas.

## **5. Other potential alternative(s) and why these have not been recommended**

16. **Not to endorse the Draft Local Plan.** This will mean that we will no longer progress the Local Plan review as agreed previously by the Council 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.

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

### **6.1 *Financial (including procurement and Social Value)***

17. The costs associated with this stage of the preparation of the Draft Local Plan and the public consultation estimated to be £2,000 and are being met through approved departmental budgets. The costs of the future stages of preparing the Local Plan through to adoption are likely to be in the region of £200,000 and will be profiled and planned within the approved budget for future years.

18. The Local Plan will be critical in providing the certainty that investors require in making their decisions to invest in Middlesbrough.

19. Over the lifetime of the Local Plan, it is anticipated that it will help secure new housing development that will have the potential to 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) and support business rates growth. Subject to the continuation of the grant, which remains uncertain, increasing the net number of housing dwellings will attract additional funding via the New Homes Bonus. Increasing the Council Tax base will improve the financial sustainability of the Council given that it currently has a low taxbase with around 85% of households in Bands A to C.

20. Housing growth may also increase the demand for Council services and potentially local infrastructure. This will be addressed at the next stage of the local planning process.

### **6.2 *Legal***

21. 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.

22. The Localism Act 2011 includes the 'Duty to Cooperate', which places a duty on the Council to cooperate with other, specified organisations to ensure strategic and cross-boundary issues are properly considered in the plan making process.

23. The Local Planning Regulations 2012 set out, in further detail, the process that must be followed in preparing a Local Plan.

24. The Draft Local Plan is not a statutory plan making stage. The consultation must, however, be undertaken in accordance with the Council's adopted Statement of Community Involvement.

**6.3 Risk**

25. 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 Draft Local Plan has been prepared in accordance the legislation and latest Government guidance. This will provide the opportunity to best ensure legislative requirements will be satisfied, so this will have a positive impact on this risk.
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 invention at great cost to the Council.	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.

**6.4 Human Rights, Public Sector Equality Duty and Community Cohesion**

26. An impact assessment has been completed on the Draft Local Plan and is attached to this report at Appendix 1. This concluded that the Draft Local Plan will not have an adverse impact on individual human rights.

**6.5 Climate Change / Environmental**

27. The Draft Local Plan sets out a policy framework to deliver sustainable development, including policies that will help minimise the impact of development on climate change, and help mitigate the impact of climate change on our communities. This includes a specific policy on Climate Change and Flood Risk.

**6.6 Children and Young People Cared for by the Authority and Care Leavers**

28. The Draft Local Plan does not impact on Children and Young People Cared for by the Authority and Care Leavers.

**6.7 Data Protection / GDPR**

29. The consultation on the Draft Local Plan will involve the collection and processing of personal data, in accordance with the statutory requirements associated with plan preparation. Given this statutory basis, there are no concerns that the Draft Local Plan could impact adversely on data protection or GDPR.

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

Action	Responsible Officer	Deadline
Commence public consultation on the Draft Local Plan	Alex Conti	1 <sup>st</sup> February 2024

**Appendices**

1	Initial Impact Assessment
2	Report of Consultation on the Local Plan Scoping Report
3	Draft Local Plan

**Background papers**

Body	Report title	Date
Middlesbrough Council	Local Plan Scoping Report	November 2022

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