

MIDDLESBROUGH COUNCIL	
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Report of:	Richard Horniman - Director of Regeneration
Relevant Executive Member:	Cllr Theo Furness - Executive Member for Development
Submitted to:	Council
Date:	15 October 2025
Title:	Local Plan Examination Modifications – Delegated Authority
Report for:	Decision
Status:	Public
Council Plan priority:	A successful and ambitious town
Key decision:	No
Why:	Not applicable
Subject to call in?	No
Why:	Decision made by the Council

Proposed decision(s)
<p>That Full Council:</p> <ul style="list-style-type: none"> • Approves a formal request from the appointed Planning Inspector, under Section 20 (7C) of the Planning and Compulsory Purchase Act 2004, to recommend modifications to the Middlesbrough Local Plan, where necessary, in order for it to be found sound during the Independent Examination; and • Approves the delegation of authority to the Director of Regeneration, in consultation with the Executive Member for Development, to agree with the Planning Inspector a list of proposed modifications and undertake the consultation associated with this process.

Executive summary
<p>The Report seeks confirmation that the Council formally asks the appointed Planning Inspector to recommend modifications to the Middlesbrough Local Plan, where necessary, in order for it to be found sound during the Independent Examination. It also seeks approval to delegate authority to the Director of Regeneration, in consultation with</p>

the Executive Member for Development, to agree with the Planning Inspector a list of proposed modifications and undertake the consultation associated with this process.

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

1. Purpose of this report and its contribution to the achievement of the Council Plan ambitions

1.1 The Report seeks confirmation that the Council formally asks the appointed Planning Inspector to recommend modifications to the Middlesbrough Local Plan, where necessary, in order for it to be found sound during the Independent Examination. It also seeks approval to delegate authority to the Director of Regeneration, in consultation with the Executive Member for Development, to agree with the Planning Inspector a list of proposed modifications and undertake the consultation associated with this process.

Our ambitions	Summary of how this report will support delivery of these ambitions and the underpinning aims
A successful and ambitious town	The Local Plan sets out policies, allocations and designations for the delivery of sustainable development that supports new housing development and economic growth.
A healthy Place	The Local Plan includes policies that seek to improve outcomes through the consideration of health impacts at the planning stage of developments.
Safe and resilient communities	The Local Plan includes policies that are focused on securing high quality, well-designed development that helps design out crime. It is also supported by policies and an Infrastructure Delivery Plan that will ensure that new development is well served by all types of infrastructure.
Delivering best value	The Local Plan has been prepared to positively secure new, high-quality development that will deliver new homes, economic growth and help retain and grow our economically active households.

2. Recommendations

2.1 That Full Council:

- Approves a formal request from the appointed Planning Inspector, under Section 20 (7C) of the Planning and Compulsory Purchase Act 2004, to recommend modifications to the Middlesbrough Local Plan, where necessary, in order for it to be found sound during the Independent Examination; and
- Approves delegation of authority to the Director of Regeneration, in consultation with the Executive Member for Development, to agree with the Planning Inspector a list of proposed modifications and undertake the consultation associated with this process.

3. Rationale for the recommended decision(s)

3.1 The Local Plan must be subject to Independent Examination before it can be adopted by the Council. The decision will help ensure that all procedural matters regarding modifications are dealt with in line with the legislation, and that the necessary delegated authority is in place to support the smooth running of the Examination should any modifications be proposed by the Inspector.

4. Background and relevant information

- 4.1 In March 2025, the Council approved the Publication Local Plan and its subsequent submission to the Secretary of State for Independent Examination. As part of this decision, delegated authority was given to the Director of Regeneration, in consultation with the Executive Member for Development, to agree minor changes to the plan during the Independent Examination.
- 4.2 Since then, the statutory consultation has concluded, and the Council has been collating the representations and preparing responses to the issues raised. Further preparations for the Examination have also been made, including further evidence base work and appointing the Programme Officer, who will support the Inspector and help run the Examination.
- 4.3 As the Examination preparations have progressed, the Council has been advised by the appointed Programme Officer that it needs to resolve that, by submitting the Local Plan for Examination, it is requesting that the Planning Inspector propose making modifications where they are considered necessary to address matters of soundness. This is a specific requirement under Section 20 (7C) of the Planning and Compulsory Purchase Act 2004. Without making such a request, the Inspector will not be able to propose modifications to address any soundness issues. Instead, any concerns over the soundness of the Plan would result in it being found to be unsound.
- 4.4 Local Plan modifications are a common part of Local Plan Examinations and can range in scope from minor wording changes to more substantive changes, such as the changing of key policies, removal of proposed site allocations or the inclusion of additional site allocations. The process requires that such modifications be agreed by the Council and subject to a further statutory period of consultation before the Planning Inspector can produce their final report.
- 4.5 The Programme Officer has also recommended that the Council puts in place an appropriate delegated authority to agree and consult upon any proposed modifications. This will allow the Examination to progress efficiently, and for any necessary public consultation to be undertaken as quickly as possible.
- 4.6 Whilst the approval in March 2025 delegates authority for the agreement of minor changes, it does not allow for agreeing more significant modifications to the Local Plan. It is important to note that at this stage it is not clear if any modifications will be recommended by the Inspector, significant or otherwise. Nor do we know the scope of potential modifications. However, the Council will be asked by the Planning Inspector to confirm that such delegated arrangements are in place ahead of any public hearings taking place.

5. Ward Member Engagement if relevant and appropriate

- 5.1 Not Applicable.

6. Other potential alternative(s) and why these have not been recommended

6.1 These are procedural matters that we have been advised is necessary to ensure the smooth running of the Examination. No alternative options have been considered.

7. Impact(s) of the recommended decision(s)

Topic	Impact
Financial (including procurement and Social Value)	There are no additional costs associated with seeking the delegated authority. If modifications are proposed during the Examination, there may be some cost savings as a result of making this decision now by minimising the processes associated with agreeing and consulting upon the modifications at a later date.
Legal	The decision will enable the Local Plan Examination to progress in accordance with Section 20 (7C) of the Planning and Compulsory Purchase Act 2004 and the procedural processes set out by the Planning Inspectorate.
Risk	<p>The following high-level risks identified in the Strategic and Directorate Risk Registers will be reduced as a consequence of preparing the Local Plan:</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>
Human Rights, Public Sector Equality Duty and Community Cohesion	The proposal is not judged to have any impacts on Human Rights, Public Sector Equality Duty and Community Cohesion

Reducing Poverty	The proposal is not judged to have any impacts on Reducing Poverty
Climate Change / Environmental	The proposal is not judged to have any impacts on Climate Change or the Environment
Children and Young People Cared for by the Authority and Care Leavers	The proposal is not judged to have any impacts on Children and Young People Cared for by the Authority and Care Leavers
Data Protection	The proposal is not judged to have any impacts on Data Protection

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

Action	Responsible Officer	Deadline
Ask the appointed Planning Inspector to recommend modifications to the Middlesbrough Local Plan, where necessary to make the Plan sound.	Alex Conti, Strategic Policy Manager	31 October 2025

Appendices

There are no appendices.

Background papers

Body	Report title	Date
Middlesbrough Council	Publication Local Plan	5 March 2025

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