

<b>Report of:</b>	<i>Executive Director for Growth and Place, Kevin Parkes Executive Member for Regeneration, Cllr Ashley Waters</i>
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<b>Submitted to:</b>	<i>Council – 24 July 2019</i>
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<b>Subject:</b>	<i>Reviewing The Middlesbrough Local Plan</i>
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**Summary**

<b>Proposed decision(s)</b>
<i>That the Council approves the revised scope and programme for preparation of the Middlesbrough Local Plan, and adopts the Hot Food Takeaway Policy of the Publication Draft Local Plan (policy EG7) as an interim planning policy.</i>

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

<b>Contribution to delivery of the 2018-22 Strategic Plan</b>		
<b>Business Imperatives</b>	<b>Physical Regeneration</b>	<b>Social Regeneration</b>
<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 a revised scope and timetable for undertaking the Middlesbrough Local Plan review.

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

2. The decision to approve the Local Plan is a non-executive function, and must be made the Council, in accordance The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and the Council's constitution. The Publication draft Local Plan was approved by Council in October 2018.

## **Report Background**

### ***The Current Local Plan***

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. This is known as the Local Plan.
4. The Council's currently adopted Local Plan was agreed in 2014, and is not one single document but a complex arrangement of policies contained in various documents. These are as follows:
  - Housing Local Plan (2014);
  - Core Strategy DPD (2008, policies which have not been superseded / deleted only);
  - Regeneration DPD (2009, policies which have not been superseded / deleted only);
  - Tees Valley Joint Minerals and Waste Core Strategy DPD (2011);
  - Tees Valley Joint Minerals and Waste Policies & Sites DPD (2011); and,
  - Middlesbrough Local Plan (1999, Saved Policies only).

### ***Reviewing the Current Local Plan***

5. A review of the Council's adopted Local Plan commenced in 2016, aimed at rationalising these policies into one document and providing an updated framework for the town's development. This process culminated in a decision by the Council to approve a 'Publication Draft' in October 2018. The next step would naturally have been to submit the Publication Draft to the Government, to enable a formal inspection of the plan to take place. If the Government's Planning Inspector was satisfied with the plan at that point, it could be formally adopted, superseding the existing Local Plan. This was previously scheduled to take place in July of this year.
6. Since the Publication Draft was approved by Council, there have been a number of changes that warrant a fresh look at the emerging Local Plan. These can be summarised as:
  - a change in priorities as a consequence of the recent local elections, such as an increased emphasis on urban living;

- additional information becoming available to enable the underpinning evidence base to be updated; and,
- revisions to the Government's National Planning Policy Framework (NPPF) and the methodology used to calculate required housing numbers.

7. It is therefore recommended that the Publication Draft Local Plan is reviewed further, rather than being submitted to Government for inspection. This review would provide an alternative Local Plan for the Council to consider, withdrawing the current Publication Draft.

### ***Changing the Emphasis of the Local Plan***

8. Taking the decision to revisit the Local Plan would enable the Council to update the evidence on which it is based, and re-engage the community more thoroughly in the process. Whilst this is not a case of taking the Local Plan back to the beginning of the process, or completely changing the scope of the review, it would provide an opportunity to produce a Local Plan that places more emphasis upon:

- the role of urban living;
- improving access to open space and green areas, protecting those areas which are important to the well being of communities and the creation of new areas;
- improving healthy outcomes, ensuring that all people have the opportunity to enjoy healthy lifestyles;
- improving access to education; and,
- improving access to jobs.

### ***Reviewing the Draft Local Plan***

9. The suggested revised timetable for the review is as follows:

Stage	Target date
Evidence gathering/review	Winter 2019/Spring 2020
Preferred Options	Summer 2020
Publication	Autumn/Winter 2020
Submission	Winter 2020
Adoption	Spring 2021

10. This timetable is only indicative at this stage and would be refined in discussions with the Local Plan Members Working Group. It is largely dependent upon the nature of the evidence review and the extent of the community engagement during the early phases of the process. Whilst the revised timetable inevitably introduces an element of delay in the preparation of the plan, this delay does not open the Council up to challenge from housebuilders as the current housing land supply is sufficient to meet the Council's housing requirements for the period until the revised Local Plan is adopted.

11. It is proposed that during the early phases of the review programme that the Council's existing Housing Strategy (2017-20) is reviewed to reflect the Council's changing political priorities, and a Green Infrastructure Strategy is prepared. Both

documents would be key in helping to shape the Local Plan and its resultant implementation.

12. The Local Plan Member Working Group would be used to provide political direction to the review, and to steer the community engagement processes. Whilst the composition of the group is not dictated by the political balance of the authority it is suggested that its membership is cross party. The current composition of the Working group would be as follows:

- Mayor;
- Deputy Mayor;
- Executive Member for Regeneration;
- Executive Member for Finance and Governance;
- Chair of Planning and Development Committee; and,
- Vice Chair of Planning and Development Committee.

13. In addition to the above it is recommended that a representative from the Labour group be invited to take up a seat on the Working Group.

### ***Practical Considerations***

14. The work undertaken on the current review, much of what has been done may simply be carried through into the revised Local Plan. It does however mean the weight that had been afforded to policies in the Publication Draft is no longer there and it creates a vacuum in the decision making process until the review reaches a similar stage. Key policy areas that are covered by the current Publication Draft, and not by policies in the adopted Local Plan are

- the sub division of dwellings to apartments; and
- hot food takeaways.

The sub division policy has already been adopted by the Council as an interim planning policy, and as such this would remain in force. It is recommended that the Hot Food Takeaway Policy of the Publication Draft Local Plan (included as Appendix I) be adopted as an interim planning policy by Council until such time as the review has been completed and the revised Local Plan adopted.

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

15. That the Council approves the revised scope and programme for preparation of the Middlesbrough Local Plan, and adopts the Hot Food Takeaway Policy of the Publication Draft Local Plan (policy EG7) as an interim planning policy.

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

16. It is a statutory requirement to prepare a Local Plan. It would be used as a basis for determining planning applications and would, ultimately, help the Council maintain control of the quality of development in the borough. 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 important in this context that the Council has an up to date Local Plan.

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

17. **Not to approve the revised timetable for the review of the Local Plan.** This increases the risk that the current Local Plan becomes even more out of date and would not form a robust basis for considering planning applications, significantly increasing the risk of planning appeals. It would also mean that the Council would not have an up to date plan to assist it with the achievement of its investment decisions.

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

#### ***Legal***

18. 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 would result in the Council, as local planning authority, losing some control over the decision making process for planning applications.
19. 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.
20. 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***

21. The costs associated with the preparation of the Local Plan, and the associated public participation, are being met from established departmental budgets.
22. Over the lifetime of the Local Plan, it is anticipated that it would help secure development that would 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 would help achieve the objectives of the Medium Term Financial Plan.

#### ***Policy Framework***

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

#### ***Equality and Diversity***

24. 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 would have on, amongst other things, equality and diversity.

25. In addition, all consultation associated with the Local Plan has been, and would be, undertaken in accordance with our adopted Statement of Community Involvement. This would help to ensure that we appropriately involve all of our communities in the preparation of our planning policies.
26. The Publication Draft Local Plan has been subject to an initial Impact Assessment (IA), which accompanies this report (see Appendix II). This identifies that a full IA is not necessary.

### **Risk**

27. Principal risks are that failure to review the Local Plan would undermine the Council's ability to deliver on its strategic objectives and priorities. The new Local Plan would help enable and manage the delivery of new development, which is central to realising the Council's economic growth ambitions for its communities. It would also seek to protect and enhance valued open and green spaces, improving accessibility. 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 would 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 would help broaden the council tax base through an overall increase in properties, and through a shift towards rebalancing the stock. 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 would reduce public and private sector investment in the town, including town centre retail, housing development and business.*

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

28. The timetable for preparing the review would be firmed up in discussions with the Local Plan Member Working Group and preparation of the Local Plan and associated community engagement would be undertaken in accordance thereafter. Review of the evidence base would begin immediately to ensure that there is no slippage to the provisional timetable identified in this report.

### **Appendices**

None

### **Background papers**

There were none utilised in the preparation of this report.

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