

## Economy and Place Scrutiny Comments

### Question 1

Given that no representations under Regulation 18, no petitions and no correspondence from parish councils have suggested that there is no need for a Local Plan (rather, they were arguing that the proposed Local Plan is unsound and needs amending), why has the Leader of the Borough Council stated at a Cabinet meeting that "we do get from some certain sectors of the community that we shouldn't be having a Local Plan because we've got a falling population", Where is the evidence for this statement?

This statement has been drawn from feedback to the Reg18 consultation.

### Question 2

Given that the population of the Borough has only increased by 8,080 in the past four decades (from 117,217 in 1981 to 125,297 in 2022), that's a 6.9% increase over forty years, why is the Local Planning Authority planning for over 7,300 new houses in the Borough despite the amended NPPF clearly stating that the standard method of calculating housing need is only "an advisory starting point" and local constraints such as Green Belt may reduce the figure, that Green Belt land does not have to be released for new houses and that the best and most versatile agricultural land should be retained?

We consulted on a position in the First Draft Local Plan (7,160 dwellings over Plan period). This position was supported by evidence in the housing and economic needs assessment which is now being reviewed in the light of consultation responses to the First Draft Local Plan and relevant updated information from official sources.

Important to recognise that the process of calculating housing needs is set out in government guidance. Yes, the standard method is an advisory starting point but this has always been the case. Paragraph 61 of the NPPF is clear that we cannot depart from the standard method unless there are exceptional circumstances relating to the demographic characteristics of the area.

Population projections are one factor that may influence housing numbers but there are a whole host of other factors including market signals, assessment of affordability in the borough and the relationship of economic growth to overall housing numbers in the borough, amongst others.

In terms of Green Belt and as was the situation prior to changes to the NPPF in December 2023, local planning authorities may review and alter Green Belt boundaries where exceptional circumstances exist and that these are fully evidenced and justified.

Best and most versatile land is an important consideration in our site selection work alongside a number of other factors.

As noted above, the Final Draft of the Local Plan is currently being prepared. We are intending to prepare the Local Plan for consideration by members in July (11 & 24 July). We will be seeking authority from Council to consult on the Plan for a minimum of 6 weeks before submitting the Plan, consultation responses and its evidence to the secretary of state / PINS for formal examination. Those who submit representations to the Plan at the Regulation 19 stage will have an opportunity to participate in the examination process.

### Question 3

In light of comments made during the Regulation 18 consultation on the Local Plan by a Borough Councillor that they can't, as a member of the Planning Committee, discuss planning matters, will the Borough Council encourage all members to engage with residents on all planning matters by explaining to them the difference between predisposition (acceptable) and predetermination (not acceptable) as noted in Lewis, Regina (on the application of) v Redcar and Cleveland Borough Council and Another: [2009] 1 WLR 83: Elected members would be "entitled, and indeed expected, to have and to have expressed views on planning issues" [62] (Pill LJ); There can be "no pretence that such democratically accountable decision makers are intended to be independent and impartial just as if they were judges or quasi-judges" [94] (Rix LJ); and that in regards to predetermination "Something more is required" that "goes to the appearance of a predetermined, closed mind in the decision-making itself" [96] Lewis v R(Rix LJ) ?

This question references two separate issues; the ability of elected members to give their views in relation to the Regulation 18 consultation on the Local Plan and elected members commenting as members of a planning committee on specific planning applications that they determine at Planning Committee (Redcar & Cleveland case quoted above).

For clarity, the rules relating to potential conflicts of interest and pre-determination are made clear to all elected members as part of member training and this is also included within the council's constitution (Members Code of Conduct/ Planning Guidance).

Elected members are always encouraged to engage with residents with regard to the Regulation 18 process, which it is understood has been happening generally on the Local Plan. However, if it is the case that some elected members have been reticent to give their personal views on specific "planning matters", for the avoidance of doubt, they are fully entitled to do this, assuming they feel that they have sufficient information in order to form a view on the matter and of course they wish to do so.

### Question 4

Given that the Regulation 18 consultation was 8 weeks and bearing in mind, that there will be a large amount of additional paperwork to read for Regulation 19, why is there only going to be the minimum statutory 6 week consultation period?

Would the Economy & Place Scrutiny Committee request that the next consultation be extended to 8 weeks please?

The Economy & Place Scrutiny Committee is expected to consider the Local Plan on the 11 July 2024. The Regulation 19 is a more formal statutory stage. The Plan at this stage is the Plan that the Council considers to be sound and capable of adoption and so whereas previous stages could influence Plan content, the Regulation 19 stage considers matters of soundness and legal compliance for residents and stakeholders to respond too before the Plan can be considered at examination. The regulations require at least 6 weeks public consultation and this is also reflected in the Council's Statement of Community Involvement.

### **Question 5**

In the revised draft plan that will go forward for consultation, there seems to be some conflicting information regarding what representations will be accepted by the planning inspector at the public inquiry. The responses by the borough council seem to indicate that representations to the draft plan written under the old planning legislation (regulation 28) will be accepted but it also states in the rhetoric that only submissions written under regulation 19 the new NPPF framework will be considered. Could we have clarification please?

Last summer, we held a consultation on the First Draft Local Plan at regulation 18 stage. The regulation 18 stage of Local Plan making is the preparation of a local plan stage, focused on what the plan ought to contain.

The regulation 19 stage is a publication stage - this is a more formal stage of plan making and is essentially the final draft of the Plan. This is the Plan that the Council considers to be sound and legally compliant. There is more structure around this stage. For example, the planning inspectorate recommend that Council's use a particular form for people to complete when they make representations.

At the point of submission, the Council will provide to the Inspectorate all comments received at the Regulation 19 stage. We will also provide a summary of the main issues raised at Regulation 18 stage. However, it's important to stress that if you would want your comments in their entirety to be provided to the inspector and an opportunity to participate at a future examination, then it is important that comments are submitted at the Regulation 19 stage of the Local Plan.

### **Question 6**

Also with regards directly to nc77 can you please explain the discrepancies with the proposed total of houses and use of land. From the original proposal it states 103 houses (which 57% will be social housing) with a possibility of a residential home.

The new proposal is for 130 houses, 3 bungalows, a residential home, a shop and a cafe. How has this happened and why is this being allowed?

The First Draft Local plan included the site as a draft allocation for housing alone. This position is now being reviewed in the light of evidence and consultation responses received. A comment has been made to the First Draft Local Plan by the site promotor suggesting a wider mix of uses and this is currently being considered, alongside a host

of consultation comments across the Plan content. There is no final Plan as yet, it is being drafted and will be presented to this committee and the wider Council in July for a recommendation for the Plan to be consulted upon further and then subjected to formal examination.

### **Question 7**

With regards to NC77 can you please explain the ridiculous comparison that you have given which residents that use the site for walks, dog walking, health benefits and also mental health benefits now have to make there way to other sites such as Hanley forest park. Which is 4.7 miles away. Which is 12-17 mins in a car or 1hr and 30 mins on foot. How are these ideas of other sites even considered feasible? Yes there is a bus service but surely isn't a solution. It would but extra cost, time and stress on people who just want fresh air. Please explain the logic?

There is a published approach to site selection that has been implemented to make judgements about the availability, suitability and deliverability of site allocations. The site selection process made judgements about sites based on a whole host of factors. There is always a balance to be had in terms of meeting development needs for the borough and finding appropriate sites to support the sustainable growth of the borough.

There have been no final decisions on sites as yet. The Council is taking account of new evidence, changes in national planning policy and consultation responses in preparing the final draft of the Plan.