

# North Tyneside Council

## Report to Cabinet

Date: 10<sup>th</sup> June 2013

**ITEM 7(f)**  
Title: Core Strategy and  
Area Action Plan Cabinet  
response to Overview and  
Scrutiny recommendations

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Portfolio(s): **Housing and Environment**

Cabinet Member(s): **Councillor John Harrison**

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Report from Directorate: **Chief Executive's Office**

Report Author: **Paul Buie – Head of Business and Economic Development**

Wards affected: **All**

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### **PART 1**

#### **1.1 Purpose:**

The purpose of the report is to:

- Respond to the recommendations of Overview and Scrutiny Committee in its report to Cabinet of the 8<sup>th</sup> April 2013;
- Outline the implications of the Overview and Scrutiny Committee recommendations for the work programme of the Core Strategy and Area Action Plans; and
- Outline the options available to Cabinet to review the work programme for the Core Strategy and Area Action Plans.

#### **1.2 Recommendation(s):**

It is recommended that Cabinet:

- (1) agrees that the Core Strategy and Area Action Plans are merged into a single Local Plan document;
- (2) agrees that that the timetable for the Local Plan document is progressed to the same timetable as the Core Strategy and accepts the Overview and Scrutiny Committee's recommendation to delay the timetable for publication of the Core Strategy by up to three months; and
- (3) delegates authority to the Head of Business and Economic Development to publish a revision to the Local Development Scheme 2012 incorporating the amendments to the work programme as set out in this report, and issue updates on the adherence to the programme as set out in this report.

### 1.3 Forward plan:

It has not been possible to give 28 days notice of this report; however the report first appeared on the Forward Plan that was published on 29 May 2013. The report must be considered at this meeting to meet the requirement for Cabinet to respond to scrutiny recommendations within two months in accordance with Section 122 of the Local Government and Public Involvement in Health Act 2007.

### 1.4 Council plan and policy framework

#### 1.4.1 Council Strategic Plan

The Authority has a statutory requirement to produce and update its development plan established by the Planning and Compulsory Purchase Act 2004 and Localism Act 2012.

The Core Strategy development plan document is intended to be a strategic document for the whole Borough, whilst the Area Action Plans set out specific policies and proposals for specific areas of the Borough. Both forms of local plan document cover a wide range of issues and are therefore related to many of the aspects of the Council Strategic Plan 2012 -15, but in particular to:

**Priority 2: Maintaining excellent education, training and employment opportunities, including apprenticeships and working in collaboration with partners.**

**Priority 3: Providing affordable rented housing in partnership with the private sector and registered social landlords** – we will actively prepare a council and affordable housing building programme, using our existing brown field sites.

Action 2: We will use council owned brown field sites as our contribution to a partnership to provide affordable and rented homes.

Action 3: We will mould the core strategy to encourage more building work on brown field sites, to protect our green areas and open spaces.

**Priority 4: Introducing new income streams to maximise the benefits of our assets, not dispose of them forever**

**Priority 5: Work in Partnership to realise the full potential of the North Bank of the Tyne Regeneration** – we will work in partnership with local companies to ensure the employment and inward investment opportunities that a working river creates will boost the local and regional economy, through job creation, training and skills via a Multiversity Education Partnership. The resulting increased numbers of people using the town centres and riverside areas will assist in boosting the daytime and night time economy.

#### 1.4.2 North Tyneside Sustainable Community Strategy 2010/13

As indicated above under 1.4.1, the Core Strategy document is intended to be a strategic document for the whole Borough, whilst the Area Action Plans set out specific policies and proposals for specific areas of the Borough. Both forms of local plan document have relevance for the aims of the Sustainable Community Strategy.

North Tyneside Strategic Partnership has an ambitious vision for the Borough which is that the Borough is a place of opportunity, prosperity and vibrancy. A place where people are happy, healthy, safe, able to participate in a flourishing economy and achieve their full potential.

The Partnership states it “will work together to see that:

- The North Bank of the Tyne is established as a zone of global significance in the renewable and marine industries, where our economic renewal is supported by an innovative higher education offer;
- North Tyneside plays a full part in the renaissance of the North East as a prosperous, innovative and distinctive region;
- A diverse range of businesses across the Borough achieve their economic potential;
- Our children and young people have high aspirations, enjoy their childhood and acquire the skills to support their own and the Borough’s wellbeing and prosperity;
- Our town centres are renewed, easily accessible and provide a wide range of shops and services;
- Our local environment is clean, green, attractive and sustainable;
- Our stunning coastal strip and unique cultural assets are enhanced and enjoyed by residents and visitors alike;
- Opportunities to engage and participate in sport, culture and the arts are available to all;
- Health inequalities are reduced and people receive the care and support they need to enjoy healthy lifestyles at all ages;
- Our Borough is welcoming and everyone has the chance to contribute to their community. Differences between people are valued and respected, and everyone has similar life opportunities;
- Neighbourhoods are friendly, inclusive, safe and connected, offering a range of quality housing options and local facilities; and
- People, young and old, feel a sense of pride in and belonging to our area, are involved in volunteering, and are engaged in shaping the decisions that affect their lives.”

The Community Strategy sets out the following priority areas to improve the Borough and to encourage inward investment:

1. Regeneration
2. Quality of Life
3. Best Start in Life
4. Sense of Place.

#### 1.4.3 The Authority’s Policy Framework

The recommendations in this report would affect the production of the Core Strategy and Area Action Plans that will form part of the Development Plan. The Development Plan is part of the Authority’s Policy Framework and as such is subject to the Budget and Policy Framework Procedure Rules and will include consultation and consideration of the proposals at various stages by Cabinet and Overview and Scrutiny Committee, and would require approval by a meeting of full Council, prior to consideration by an independent Inspector appointed by the Secretary of State.

## 1.5 Information:

### Development Plan Production

- 1.5.2 The Authority is required to produce documents which set out its policies relating to the development and use of land in its area. The most important of these are Development Plan Documents (DPDs), also known as Local Plans, which include any allocations of land for development and general planning policies. They are the starting point for the determination of planning applications.
- 1.5.3 The Authority is also required to publish a Local Development Scheme (LDS) that describes the DPDs it intends to prepare, and the timetable for their production. Once an LDS is published the Authority has to publish up to date information on compliance within the timetable.
- 1.5.4 The LDS 2012, approved by Cabinet in October 8<sup>th</sup> 2012, identified the production of four DPDs; the Core Strategy, and Area Action Plans for North Shields, the Coast and Wallsend.
- 1.5.5 The main stages in the process required for the preparation and adoption of DPDs are:
- Preparation by the Authority of an extensive evidence base;
  - Cooperation by the Authority with adjoining authorities on cross border issues;
  - Engagement with the public, businesses and other organisations in the preparation of the plan, considering a range of alternatives and preferred options;
  - Consideration by full Council of the content of Draft Plan in accordance with the Policy Framework rules.
  - Publication by the Authority of the resulting Draft Plan for formal representations.
  - Submission of the Draft Plan to the Secretary Of State.
  - Public Examination by an independent Inspector, who will indicate whether the Plan can be adopted, with modifications if necessary.
  - Adoption.

### Overview and Scrutiny Committee – Interim Report Recommendations

- 1.5.6 At its meeting on 3 December 2012, the Overview and Scrutiny Committee established a Core Strategy Sub-Group to review the Core Strategy and report findings back to the Overview and Scrutiny Committee. Having met on two occasions in March 2013 to consider the themes of Housing and Population and Employment Land; the sub-group noted that a number of assessments/reviews that will provide updated evidence for the Core Strategy are underway. It is envisaged that much of this updated evidence will be available by June 2013.
- 1.5.7 The subsequent recommendations of Overview and Scrutiny Committee to Cabinet are to:
- Delay the timescale for the publication and public engagement on the Consultation Draft version of the Core Strategy, which was scheduled to begin in July 2013, by up to 3 months. This will allow information from a number of imminent reviews/assessments to be available and taken into account in advance of the consultation; and
  - Delay the publication of the Area Action Plans until the overarching core strategy is further developed.

- 1.5.8 The evidence base reviews/assessments expected to be completed in June / July 2013 include:
- The Employment Land Review,
  - Infrastructure Delivery Plan,
  - Viability Assessment, and
  - Strategic Housing Land Availability Assessment.
- 1.5.9 The Overview and Scrutiny Committee report to Cabinet set out the following implications for the overall Core Strategy timetable:

<b>Stages – Core Strategy production</b>	<b>Present LDS</b>	<b>Potential revision</b>
1. Completion of technical studies		Jul 2013
2. Completion of Consultation Draft		Aug 2013
3. Cabinet approval of Consultation Draft	Jun 2013	Sep 2013
4. Publication and public engagement on Consultation Draft	Jul 2013	Oct 2013
5. Cabinet/Council consideration of Publication Draft	Dec 2013 to Jun 2014	Mar 2014 to Sep 2014
6. Publication and formal public engagement	Sep 2014	Nov 2014
7. Submission to Secretary of State	Dec 2014	Feb 2015
8. Examination in Public	Mar 2015	May 2015
9. Adoption	Sep 2015	Nov 2015

- 1.5.10 Regarding its recommendations for Area Action Plan production, the Overview and Scrutiny Committees report to Cabinet did not set out a potential revised timetable. However, the potential implications of a delay to progress of the Area Action Plans pending further progress on the Core Strategy are considered below. The Area Action Plans are currently subject to consideration in accordance with the Authority's Policy Framework procedure, with initial proposals for a joint publication draft AAP considered by Overview and Scrutiny Committee on the 3rd December 2012.
- 1.5.11 From this point a potential timeframe for production based on completing the Policy Framework procedure for the Area Action Plans following public engagement on the Core Strategy consultation draft would be:

<b>Stages – Area Action Plans production</b>	<b>Present LDS</b>	<b>Potential revision</b>
1. Completion of technical studies		Jul 2013
2. Completion of Consultation Draft		Aug 2013
3. Conclude Cabinet/Council consideration of Publication Draft	March 2013	Jan 2014
4. Publication and formal public engagement	May 2013	March 2014
5. Submission to Secretary of State	August 2013	June 2014
6. Examination in Public	November 2013	September 2014
7. Adoption	June 2014	April 2015

## Overview and Scrutiny Committee Interim Report – Implications and Response

- 1.5.12 As a result of the Cabinet's consideration of the recommendations of Overview and Scrutiny Committee there is a need to update the work programme of the Local Development Scheme 2012.
- 1.5.13 Based on the last published Local Development Scheme, the LDS 2012, the recommendations of Overview and Scrutiny Committee would mean final adoption of the Core Strategy would be two months later than programmed whilst adoption of the three Area Action Plans would be delayed by up to 10 months.
- 1.5.14 Delay in production of the Core Strategy would enable the document to be advanced taking in to consideration the latest evidence affecting housing and population growth, employment land requirements, infrastructure delivery and viability. This would be of key importance to ensuring the Core Strategy would be found sound by an Independent Inspector at examination and recommended for adoption.
- 1.5.15 Delay of the Area Action Plan following the next stage of consultation on the Core Strategy would enable the AAPs to be guided by a clearer understanding of the emerging policy and guidance of the Core Strategy. Currently scheduled to precede Core Strategy adoption by over one year in the LDS 2012, the recommendation would mean adoption of the Area Action Plans no more than seven months earlier than the Core Strategy.
- 1.5.16 In considering the amendments that should be made to the work programme, in response to the recommendations of Overview and Scrutiny Committee, Cabinet should consider the option now presented by the Localism Act 2011 and Local Planning Regulations 2012. These recent changes to the planning system remove the previous requirement to produce a suite of documents within a Local Development Framework, led by a Core Strategy and subsequent more detailed development plan documents such as Area Action Plans. The National Planning Policy Framework specifically encourages production of a single Local Plan document stating that any additional development plan documents should only be used where clearly justified.
- 1.5.17 The Authority has the opportunity to create a single Local Plan through combining the emerging policies and proposals of the areas three Area Action Plans with the emerging Core Strategy.
- 1.5.18 The emerging policies and proposals currently set out in Publication Draft Area Action Plan for North Shields, Wallsend and the Coast approved by Cabinet in October 2012 could be merged with development of the Core Strategy. A single Local Plan that merged the Core Strategy and Area Action Plans would be progressed taking into consideration the responses and comments received in response to the extensive consultation processes already undertaken for the individual plan documents.
- 1.5.19 This would produce a single North Tyneside Local Plan. Such a Local Plan would be consulted upon jointly across the Borough and would be subject to a single process of consideration through the Policy Framework procedure and would be progressed through a single process of independent examination.
- 1.5.20 Progressing the Core Strategy and Area Action Plans as a single Local Plan would mean that policy for the Area Action Plan areas would be delayed by a further 7 months, with a potential single Local Plan timetable set out below:

<b>Stages – Local Plan production</b>	<b>Potential Timetable</b>
1. Completion of technical studies	Jul 2013
2. Completion of Consultation Draft	Aug 2013
3. Cabinet approval of Consultation Draft	Sep 2013
4. Publication and public engagement on Consultation Draft	Oct 2013
5. Cabinet/Council consideration of Publication Draft	Mar 2014 to Sep 2014
6. Publication and formal public engagement	Nov 2014
7. Submission to Secretary of State	Feb 2015
8. Examination in Public	May 2015
9. Adoption	Nov 2015

1.5.21 Production of a single Local Plan would mean that the Area Action Plan areas of Wallsend, the Coast and North Shields would no longer have their own individual Local Plan. Meanwhile further delay in securing adoption of the plans would also mean the implementation of the Authority's strategy for the Area Action Plan areas could be delayed.

1.5.22 However, a single Local Plan also brings about a number of benefits that it is suggested outweigh the costs of further delay. The recommended single Local Plan would enable a clear and coherent approach linking both the strategic development and growth of North Tyneside (the Core Strategy), and targeted regeneration and investment (the Area Action Plans), to be communicated to the public and consultees through a single consultation process.

1.5.23 Such an approach would also mean proposals and proposals that could be developed for the North West Settlement Enhancement Planning Framework could also be included within the single Local Plan, enhancing the planning status of those proposals.

1.5.24 This would provide consultees with a clearer impression of the overall strategy for North Tyneside and consider the connections between issues such as town centre regeneration and overall growth of the Borough. A single plan approach may also provide residents and businesses from outside of the Area Action Plan boundaries but with an interest in them to feel that they have a greater say in the proposals of the Local Plan.

1.5.25 Additionally a single Local Plan would remove the need for duplication of strategic policies that may need to be included within Area Action Plans to be adopted earlier than the Core Strategy. A single Local Plan would also address any concerns over differing or competing policy approaches in one area of the Borough compared to another.

1.5.26 A single Local Plan would remove the need for multiple consultation exercises for separate plans, consolidate the formal Cabinet and Council procedures into a single process and finally enable a single process of submission, examination and adoption of the plan. Notably the costs of public examination can be significant although subject to wide variation based on the complexity of the document being examined.

## **1.6 Decision options:**

### **1.6.1 Cabinet may:**

Option 1) approve the recommendations contained in paragraph 1.2 of this Report; or

Option 2) decline to approve the recommendations in paragraph 1.2 of this Report but accept the initial recommendations of Overview and Scrutiny Committee set out at 1.5.7, requesting a revised Local Development Scheme work programme is prepared to take account of this; or

Option 3) decline to approve the recommendation in paragraph 1.2 of this report and decline to accept the recommendations of Overview and Scrutiny Committee.

Option 1 is the recommended option.

## **1.7 Reasons for recommended option:**

1.7.1 Option 1 is the recommended option for the following reasons. Cabinet needs to respond to the recommendations of Overview and Scrutiny Committee and the reasons for the recommended decision are set out in paragraphs 1.5.16 to 1.5.24 of this report. The recommendations included at paragraph 1.2 of this report would enable a positive approach to engagement with the public and stakeholders in North Tyneside on proposals for sustainable growth, development and regeneration. It would also enable ongoing production in the most cost effective and efficient manner whilst bringing the Authority's planning documents up to date with the Localism Act and national planning guidance.

## **1.8 Appendices:**

None

## **1.9 Contact officers:**

Martin Craddock, Senior Planning Officer (0191 643 6329)

Jackie Palmer, Planning Manager (0191 643 6336)

Alison Campbell, Finance Business Manager (0191 643 7038)

## **1.10 Background information:**

- 1 [Planning and Compulsory Purchase Act 2004.](#)
- 2 [Planning Act 2008.](#)
- 3 [Localism Act 2011](#)
- 4 [Town & Country Planning \(Local Planning\)\(England\) Regulations 2012.](#)
- 5 [National Planning Policy Framework 2012.](#)
- 6 [North Tyneside Local Development Scheme 2012](#)
- 7 [Core Strategy Preferred Options 2010](#)
- 8 [Core Strategy Preferred Options, further growth options 2011](#)
- 9 [Core Strategy Preferred Options Consultation Statement 2011](#)
- 10 [Core Strategy Preferred Options, further growth options Consultation Statement 2011](#)
- 11 [Area Action Plan Preferred Options 2012](#)
- 12 [Area Action Plan Major Proposed Change 2012](#)
- 13 [Area Action Plan Preferred Options Consultation Statement 2012](#)
- 14 [Area Action Plan Publication Draft Initial Proposals, Cabinet October 2012](#)



## **PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING**

### **2.1 Finance and other resources**

- 2.1.1 The costs of preparing a Core Strategy and Area Action Plans merged into a single Local Plan document the planning will be met from within existing budgets.

The recommendations in the report to merge the development timetable for the Core Strategy, Area Action Plans and the Local Plan will provide the most cost effective option to the Council and would mean North Tyneside Council is only required to fund a single public examination process and it is therefore expected this approach would help manage the estimated cost of producing a completed development plan for the Borough.

- 2.1.2 The Development Plan is part of the Authority's Policy Framework and subject to the Policy Framework Procedure Rules. The Local Plan would represent a longer term vision for the Borough as a whole and each local area, and as such are aspirational. As elements of the proposals within the Local Plan come forward to be included in Budget proposals the financial implications will be costed and details included for approval within the Financial Planning and Budget setting process.

### **2.2 Legal**

- 2.2.1 The Planning and Compulsory Purchase Act 2004 (and the accompanying Town and Country Planning (Local Planning) (England) Regulations 2012) and the Localism Act 2011 require the Authority to prepare development plan documents and prepare and maintain a Local Development Scheme.

- 2.2.2 The recommendations in this report would affect the production of the Core Strategy and Area Action Plans that will form part of the Development Plan. The Development Plan is part of the Authority's Policy Framework and as such is subject to the Budget and Policy Framework Procedure Rules and will include consultation and consideration of the proposals at various stages by Cabinet and Overview and Scrutiny Committee, and would require approval by a meeting of full Council, prior to consideration by an independent Inspector appointed by the Secretary of State.

### **2.3 Consultation/community engagement**

- 2.3.1 A single Local Plan that merged the Core Strategy and Area Action Plans would be progressed taking into consideration an extensive range of public consultation and engagement that has already been undertaken for these documents

- 2.3.2 To date the Core Strategy and the Area Action Plans have been subject to wide ranging public engagement. Two major public consultation exercises have so far been carried out for the Core Strategy with publication of a preferred options document in 2010. The Core Strategy was published online and notified to the Authority's development plan consultees as well as being advertised in the local press and Widening Horizons. The consultation included public drop-in events at locations across North Tyneside, and over a period of nearly three months from 1<sup>st</sup> July to 24<sup>th</sup> September 2010 generated over 1,178 individual responses and 4,400 petition signatories. Further consultation on growth options in October 2011 generated 664 responses.

- 2.3.3 The Area Action Plan joint preferred options consultation in February 2012 was advertised in local press and Widening Horizons and also included a series of public

drop-in events. This consultation covered the three Area Action Plan areas of North Shields, Wallsend and the Coast and generated comments from 483 respondents.

## **2.4 Human rights**

2.4.1 There are no human rights implications directly arising from this report.

## **2.5 Equalities and diversity**

2.5.1 Any further consultation will be undertaken in accordance with the Council's equality and diversity procedure.

## **2.6 Risk management**

2.6.1 The risks associated with the preparation and engagement on the Core Strategy Preferred Options has previously been assessed. The Directorate Risk Champion has been informed and the risks added to the risk register. They will be managed using the Authority's risk management process.

2.6.2 Approval of the Local Development Scheme 2012 assessed and identified risks to achieving its work programme that remain relevant to this Report. These include:

- changes in Authority priorities and available resources;
- capacity of external agencies and bodies to contribute to document preparation, especially with supporting evidence;
- the nature of representations received on emerging LDDs;
- the views of the Planning Inspectorate in holding Examinations into Development Plan Documents;
- changes in the law or National Planning Policy.

2.6.3 If there is a delay to the agreed work programme:

- desired development may be delayed or abandoned due to further uncertainty;
- coordination of development and infrastructure would be more difficult; and
- Public and other stakeholders may lose confidence in the plan making process.

2.6.4 The proposed recommendations of this report specifically manage the potential risk of the Planning Inspectorate finding the development plan documents unsound, which would lead to further cost and delay for the Authority . Awaiting completion of forthcoming reviews and assessments before progressing the Core Strategy and Area Action Plans as a single merged Local Plan will enable the plan to be founded on a justified and robust evidence base.

## **2.7 Crime and disorder**

2.7.1 There are no crime and disorder implications directly arising from this report.

## **2.8 Environment and sustainability**

2.8.1 The report refers to the work programme for the preparation of a Local Plan Document and as such has no direct implications for the environment and sustainability. The policies and proposals of the Local Plan will address objectives relating to the environment and wider sustainability issues and as they are developed will be subject to Sustainability Appraisal and robust consideration of their implications for the environment and sustainability.

### PART 3 - SIGN OFF

- Chief Executive  X
- Mayor/Cabinet Member(s)  X
- Chief Finance Officer  X
- Monitoring Officer  X
- Strategic Manager for Policy, Partnerships, Performance, and Communication  X