

CABINET

21 NOVEMBER 2018

**SUBMISSION OF THE CORE STRATEGY AND DEVELOPMENT PLAN 2015-2033
TO THE SECRETARY OF STATE FOR EXAMINATION IN PUBLIC**

Executive Director of Economy and Place

1. Purpose of the Report

The purpose of this report is to seek Cabinet approval to recommend that full Council approves the submission of the Core Strategy and Development Plan (hereafter referred to as the Plan) which includes minor modifications from the draft plan that was previously consulted upon under the provisions of Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

2. Description of Decision (Recommendations)

It is recommended that Cabinet recommends that Full Council :

- Approves for the purpose of submission to the Secretary of State the Submission Draft of the Core Strategy and Development Plan (Appendix A) which incorporates minor modifications, as set out in Appendix B ;
- Authorises the formal submission of the Core Strategy and Development Plan and associated documents (as listed in Appendix C) to the Secretary of State pursuant to Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and Section 20 of the Planning and Compulsory Purchase Act 2004;

It is further recommended that Cabinet:-

- Delegates authority to the Head of Planning and Regeneration in consultation with the Leader and Deputy Leader to make any modifications to the Core Strategy and Development Plan and associated documentation for submission to the Secretary of State.
- Delegates authority to the Head of Planning and Regeneration in consultation with the Leader and Deputy Leader to go out to consultation on any further modifications to the Core Strategy and Development Plan that may be necessary and recommended by the Planning Inspector during the Examination in Public.
- Delegates authority to the Head of Planning and Regeneration in consultation with the Leader and Deputy Leader to sign the Statement of Common Ground as part of the Duty to Co-operate.

3. Introduction/Background

- 3.1 The Sunderland Local Plan aims to establish a policy framework that guides and shapes development. It will set the parameters for this to be achieved, and encourage and support development in coming forward. It will ensure that Sunderland is a city that is open for business and growth, providing jobs and prosperity for local people, delivering housing to meet the needs of all of our communities whilst tackling deprivation within the city.
- 3.2 Sunderland's Local Plan is being prepared in three parts:
- Part One - Core Strategy and Development Plan which will set out an overarching strategy for future change and growth in the city and includes detailed development management policies and strategic allocations and designations.
 - Part Two – Allocations and Designation Plan which will set out site-specific policies for the development, protection and conservation of land in the city.
 - Part 3 - International Advanced Manufacturing Park (IAMP) Area Action Plan (AAP), which sets out site specific policies for the land to the north of the Nissan Plant.
- 3.3 This Report relates to the preparation of the Core Strategy and Development Plan, hereafter referred to as the Plan.

Preparation of the Core Strategy and Development Plan

- 3.4 Local Plans must be prepared in accordance with the Duty to Co-operate and legal and procedural requirements as set out in the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (the 2012 Regulations). The Plan must also be considered to be a sound Plan which means it has been positively prepared and seeks to meet the objectively assessed needs for present and future development and infrastructure requirements. The Plan must also be justified, effective and the most appropriate strategy consistent with national policy.
- 3.5 The Council has been preparing the Plan since 2005 and has consulted on numerous iterations. Following substantial changes to regulations and national policy, the Council made the choice to rebase the Plan to 2015. Since then, the Council has undertaken two rounds of consultation on the Plan. Firstly the Growth Options consultation in 2016, which sought residents' and stakeholders' views on three different options on the level of growth Sunderland should plan for.
- 3.6 The Council prepared the Draft Plan in 2017. The Draft Plan was consulted on for eight weeks between 7 August and 2 October 2017. The Council received over 6000 representations to the Draft Plan which were taken into consideration when preparing the Publication (Regulation 19) Draft of the Plan.

Statutory Consultation on the Publication Draft

3.7 In accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, and following Cabinet approval on 30th May 2018, consultation on the Publication Draft of the Plan took place between 15 June and 27th July 2018. The purpose of this consultation was to seek representations on the Publication Draft of the Plan.

3.8 A comprehensive consultation exercise was undertaken in accordance with the Council's Statement of Community Involvement. This included;

- Publishing a series of posters at public service buildings such as doctors surgeries, libraries and community/children's centres to promote the consultation;
- Publishing the Plan and all associated documents onto the Council's website;
- Making hard copies of the Plan and associated documents available to view in the Civic Centre;
- Making hard copies of the Plan and Statement of Representation Procedure available in Council Libraries;
- Publishing a Statement of the Representation Procedure and a statement of the fact that the submission documents are available for inspection.
- Utilising the Council's social media accounts, Twitter and Facebook, to make people aware of the consultation;
- Publishing a number of press releases in the local press;
- Distributing of emails and e-bulletins by Sunderland City Council Area Officers to local groups;
- Publishing a Core Strategy and Development Plan animation video on the Council's website and social media accounts;
- Hosting Members' briefing sessions;
- Hosting 11 drop-in events across the City; and
- Sending letters to all contacts on the Local Plan Database.

3.9 In total, the Council received 8272 comments from 2151 individuals. The key issues raised are set out in the summary of the Statement of Consultation. All representations will be submitted in the Report of Representations to the Secretary of State. Appendix D of this report includes the main issues raised during the consultation. Economic Prosperity Scrutiny Committee on 6th November 2018 considered a report on the outcomes of the consultation and supported the recommendations of the report.

Evidence

- 3.10 The National Planning Policy Framework (NPPF) requires development plan policies to be based on up-to-date and relevant evidence. The Local Plan evidence base is comprised of documents that have informed the Plan. In addition, the Publication Draft has been subject to a number of statutory impact assessments, including Sustainability Appraisal (incorporating Strategic Environmental Assessment), Habitats Regulations Assessment, and an Equalities Impact Assessment. The Council will submit all documents listed in Appendix C to the Secretary of State.

Duty to Cooperate

- 3.11 The Duty to Co-operate was introduced by the Localism Act 2011, which amends the Planning and Compulsory Purchase Act 2004. It places a legal duty on Authorities and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters. It is not a duty to agree. The Council continues to work closely with its neighbours to address strategic planning issues. As listed Appendix C, the Council will submit a Duty to Cooperate Statement which demonstrates how strategic issues have been addressed in the Plan. The NPPF2 requires that Local Authorities work with neighboring authorities to prepare Statement of Common Ground. As other Authorities progress their Plans the Council will make every effort to secure the necessary co-operation on strategic cross boundary matters before those authorities submit their Local Plans for examination.

Accordance with the National Planning Policy Framework (NPPF)

- 3.12 The Local Plan must be in accordance with the NPPF. The government published the NPPF in 2012 (the previous Framework). In July 2018, the government published a revised NPPF (NPPF2). Paragraph 214 of NPPF2 states "The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019. Where such plans are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan produced for the area concerned". Therefore as the Plan will be submitted prior to the 24th January 2019, the Plan will be judged against the policies contained in the previous Framework.

4. Current Position

- 4.1 Officers have considered all of the representations made to the Plan and have proposed a number of minor modifications (Appendix B). Subject to approval, the Plan (Appendix A), Schedule of Minor Modifications(Appendix B) and Submission Documents (Appendix C) will be submitted to the Secretary of State for an Examination in Public (EIP) in accordance with Regulation 22 of the 2012 Regulations.

- 4.2 Legislation requires at this stage that all consultation responses received during this consultation are logged and submitted to the Secretary of State, alongside a summary of the main issues raised (Appendix D).
- 4.3 All Development Plan Documents are subject to formal examination by the Planning Inspectorate. An EIP is the final stage in the process of producing a Local Plan prior to adoption. This report seeks authority to submit the Plan to the Secretary of State and to allow for any non-substantive editorial changes to be made prior to submission.
- 4.4 The EIP will commence once a Planning Inspector is appointed by the Secretary of State to examine the Plan. The EIP will assess the Plan against four 'tests of soundness' set out in the NPPF. The Council must therefore submit a plan for examination which it considers 'sound' on the basis that it is:
- Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
 - Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
 - Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
 - Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the NPPF.
- 4.5 Throughout the examination process there will be times when the Inspector will indicate that he/she is considering recommending a particular modification and will normally ask officers whether it could offer a set of suggested wording to meet the concern. As such this report seeks to delegate authority to the Head of Planning and Regeneration in consultation with the Leader and Deputy Leader to agree modifications with the Inspector during the examination process, to enable the smooth running of the examination.
- 4.6 Following this the Inspector will issue an interim report, where he/she will request that the Council undertakes a statutory six weeks consultation on the Plan. All representations received will be submitted to the Inspector for his/her consideration prior to the Inspector issuing his/her Final Report. This report therefore seeks delegated authority for the Head of Planning and Regeneration in consultation with the Leader and Deputy Leader to consult on any modifications proposed.

The next steps

If approved by Council for submission to the Secretary of State the Plan and the supporting documents would be submitted to the Planning Inspectorate by 21st January 2019. Following submission, it is anticipated that an Inspector would be appointed in January 2019 and would commence an early appraisal of the Plan. It is estimated that the EIP will last up to a year.

5. Reasons for the Decision

5.1 The decision is required to;

- submit the Core Strategy and Development Plan to the Secretary of State in accordance with Section 20 of the Planning and Compulsory Purchase Act 2004 and Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The decision to submit for an Examination in Public is part of the statutory process to adopt the Plan as the Development Plan for the City.
- allow for any further consultation and modifications that may be required by the Planning Inspector as part of the independent examination process and thus maintain progress and momentum through the policy framework procedure towards the adoption of the final Plan.

6. Alternative Options

- 6.1 The submission of the draft Plan for public examination is a statutory stage in the process required to bring the Plan forward. The Plan, when adopted, will form part of the suite of documents that will constitute the statutory Local Plan for the City and as such must be declared sound by a Planning Inspector following the public examination. Therefore no alternative options are recommended.

7. Impact Analysis

- (a) **Equalities** – An Equality Impact Assessment was completed at draft plan stage and updated to reflect the changes to the Publication Draft. The Assessment is attached at Appendix E. A key area of possible impact on equalities relates to how the document is consulted upon. All consultations have and will be carried out in accordance with the Council's adopted Statement of Community Involvement.
- (b) **Sustainability** – By law, planning must promote sustainable development. This is the underlying objective of the Plan. To that effect the Plan policies have been tested against the Plan's own Sustainability Appraisal. This is available to view on the Council's website <https://www.sunderland.gov.uk/article/15565/Sustainability-Appraisal-Non-technical-Summary-2018> -

- (c) **Reduction of Crime and Disorder – Community Cohesion / Social Inclusion** – The Plan contains policies that seek to promote crime reduction and social cohesion within new developments.

8. Other Relevant Considerations / Consultations

- (i) **Financial Implications** – The EIP is estimated to cost £100,000 which can be met from a specific reserve held to meet costs associated with completion of the Local Plan.
- (ii) **Risk Analysis** – The preparation of the Sunderland Local Plan has been subject to a risk assessment prepared by the Council's Risk & Assurance team.
- (iii) **Legal Implications** – As referenced throughout the report, the requirements of the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 have been followed and will continue to be adhered to in order to progress the Local Plan to adoption.
- (iv) **Policy Implications** – Until the Local Plan is adopted, the policies within the Sunderland Unitary Development Plan and Alteration Number 2 will remain the statutory land use policies for the city.
- (v) **Implications for Other Services** – The Plan policies reflect as appropriate other Council and partners' strategies, plans and programmes.
- (vi) **The Public / External Bodies** – It is a requirement of the planning system that the public as a whole are engaged in the development plan process, with minimum statutory requirements for consultation set out in Regulations. This consultation on the draft Plan has and will continue to meet the requirements set out in the Council's Statement of Community Involvement. The Duty to Co-operate as introduced by the Localism Act 2011 places a legal duty to co-operate with neighbouring authorities and other public bodies and this is tested at examination.
- (vii) **Project Management Methodology** – The Project is being managed using the PRINCE2 methodology, which is the appropriate standard.
- (viii) **Procurement** – All procurement undertaken by the Council within the development of the Plan will be conducted according to the Council's procurement rules and applicable legislation.

10. List of Appendices

- Appendix A Regulation 19 draft of the Core Strategy and Development Plan including Minor Modifications (2015-33)
- Appendix B Schedule of Minor Modifications
- Appendix C List of associated documents (Submission Documents)
- Appendix D Summary of Consultation
- Appendix E Equality Impact Assessment