

Delegated Decision

19 June 2019

County Durham Plan Submission

Key Decision No. REAL/02/19



Report of Regeneration and Local Services

Ian Thompson, Corporate Director of Regeneration and Local Services

Electoral division(s) affected:

Countywide

Purpose of the Report

- 1 The Corporate Director is to delegate, in his absence, the agreement of statements of common ground with neighbouring authorities and other interested parties relating to the County Durham Plan to the Head of Development and Housing in consultation with the Portfolio Holder for Economic Regeneration.

Executive summary

- 2 The Corporate Director of Regeneration and Local Services in consultation with the Portfolio Holder for Economic Regeneration was authorised by Full Council on the 19 June 2019 to agree statements of common ground with neighbouring authorities and other interest parties for the purposes of the County Durham Plan submission. This function is to be delegated to the Head of Development and Housing when the Corporate Director is unavailable.

Recommendation

- 3 The Corporate Director of Regeneration and Local Services is recommended to authorise the Head of Development and Housing in consultation with the Portfolio Holder for Economic Regeneration to agree statements of common ground with neighbouring authorities and other interested parties, when the Corporate Director is unavailable, in order to demonstrate effective and on-going joint working.

Background

- 3 All Local Planning Authorities have a statutory requirement to prepare and maintain an up to date development plan for their area. The County Durham Plan has been prepared during a time of significant change, including a recently revised National Planning Policy Framework (NPPF) and a new standard approach to assessing housing need.
- 4 The first stage of the new County Durham Plan, Issues and Options, was approved for consultation in June 2016 followed by the second stage, Preferred Options, which was approved for consultation in June 2018. The Pre-Submission Draft is the final stage in the Plan's development. It has been informed by extensive formal and continuous consultation with residents, businesses, the development industry, key stakeholders and neighbouring authorities at all stages.
- 5 A total of 2,877 comments, including 37 comments which were received following the close of the consultation period, from 1,003 different respondents were received to the Pre-Submission consultation. A petition in relation to Policies 5 (Durham City Sustainable Urban Extensions), Policy 20 (Green Belt) and Policy 23 (Durham City Sustainable Transport) was also submitted with 659 names. A separate petition relating just to the Western and Northern Relief Roads with 676 names was also submitted. Finally, there were two e-petitions submitted one in favour of the relief roads with 9 names and one against with 342.
- 6 All representations made have been reviewed and carefully considered and it has been concluded that, subject to some minor text and formatting changes which need to be made, there are no matters arising from the representations that call into question the soundness of the Plan or the legality of its preparation that would prevent it being submitted to the Ministry for Housing, Communities and Local Government in its current form. Therefore, it is not necessary to carry out any further consultation and any outstanding issues will be resolved at the Examination in Public.
- 7 Following Full Council approval on the 19 June 2019 the Plan will be submitted to the Ministry for Housing, Communities and Local Government by the end of June 2019 for independent examination. An independent Inspector will be appointed soon after and the timescales from that point will be determined by the Inspector although we anticipate that the Examination in Public (EIP) hearings will be held in the autumn. After examination and following consultation on any modifications proposed by the Inspector, the council will be asked to adopt the Plan.

Duty to Cooperate

- 8 County Durham borders a number of county, district and unitary councils and a National Park Authority. Regular liaison meetings have been held with these authorities to inform plan preparation and to ensure that issues of common concern are identified, taken into account and resolved as the local plan has evolved. Notably, the council has developed working groups with the Tyne and Wear authorities and those in Tees Valley, where we have our closest interaction. We also have formal arrangements with authorities in Northumberland, North Yorkshire and Cumbria where specific issues such as minerals and waste are discussed. Other meetings with statutory consultees such as Historic England and Natural England and other interested parties have been held throughout the preparation of the Plan.
- 9 The National Planning Policy Framework (NPPF) requires authorities to demonstrate effective and on-going joint working by preparing one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. The council is working and will continue to work with adjoining authorities and other interested parties in the preparation of statements of common ground. A Duty to Cooperate Statement has been agreed by Full Council on the 19 June 2019 which demonstrates that the requirements of the Duty have been met and that there are no major unresolved cross boundary issues.

Conclusion

- 8 The council is working and will continue to work with adjoining authorities and other interested parties in the preparation of statements of common ground and these will be agreed and submitted alongside the County Durham Plan for Examination in Public by the end of June 2019.

Contact: Mike Allum

Tel: 03000 261906

Appendix 1: Implications

Legal Implications

Local plans must be positively prepared, justified, effective and consistent with national policy in accordance with section 20 of the Planning and Compulsory Purchase Act 2004 (as amended) and the National Planning Policy Framework (NPPF). The NPPF gives guidance to local authorities in drawing up their local plans. The preparation of the Plan has been informed by a continuous dialogue with the Council's legal team.

Finance

The County Durham Plan has a continuing budget commitment for appropriate evidence gathering, consultation, printing and EIP costs.

As all of the funding for the Western Relief Road will not be in place immediately there may be a role for the Council in forward funding its construction and then recouping the cost over time. This would have some financial implications for the Council's capital and revenue budgets.

Consultation

The programme of consultation was agreed with the Council's Corporate Communications Team and the Council's Consultation Officers Group and will be undertaken in accordance with the Statement of Community Involvement and the 2012 Local Plan Regulations.

Equality and Diversity / Public Sector Equality Duty

The Council acknowledges that, in exercising its functions, it has a legal duty under the Equality Act 2010 to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations. This duty applies to all people defined as having protected characteristics under that legislation.

The Council has carefully considered the likely impacts of the Plan on persons with a protected characteristic at each stage of the process. An Equality Impact Assessment has been prepared in partnership with the community engagement team. A copy of the Equality Impact Assessment was agreed by Full Council on 19 June 2019.

The Plan will continue to be subject to Equality Impact Assessment as it progresses.

Human Rights

Protocol 1 Article 1: Every natural or legal person is entitled to the peaceful enjoyment of his possessions, including their property. The Plan allocates land for development which will affect landowners' rights to develop their land. It is noted, however, that rights afforded under this Article are not absolute but qualified. Therefore, any interference with landowner's rights must be balanced against the wider public interest in having an up to date development plan. It is lawful for a local planning authority to take action if that action is clearly necessary and proportionate. In this instance, such measures are necessary and proportionate in the public interest to ensure that a local plan is in place to guide development across the county to 2035.

Crime and Disorder

The Sustainable Design policy includes a criterion which seeks to reduce vulnerability, increase resilience and ensure public safety and security.

Staffing

The resource required to progress the local plan is in place.

Accommodation

None.

Risk

Not having an up to date adopted local plan makes it more difficult to provide the necessary certainty to facilitate appropriate development to support the local economy and meet housing needs and to resist inappropriate development. Also failure to make progress with the local plan risks Government intervention.

Procurement

When required, consultants have been commissioned to deliver evidence studies, in accordance with the Council's procurement rules/procedures.