

27 January 2010		ITEM 9
Council		
PROPOSED SUBMISSION DRAFT THURROCK CORE STRATEGY AND DEVELOPMENT MANAGEMENT POLICIES DEVELOPMENT PLAN DOCUMENT		
Portfolio Holder: Councillor Gary Hague, Strategic Planning and Environmental Planning		
Wards and communities affected: All	Key Decision: Key N/A	
Accountable Head of Service: Andy Millard, Head of Strategic Planning and Delivery		
Accountable Director: Bill Newman, Director of Sustainable Communities		
This report is public		
Purpose of Report: To seek Council's approval of the Proposed Submission Draft Thurrock Core Strategy and Development Management Policies Development Plan Document (DPD) for Publication and subsequent Submission to the Planning Inspectorate and the Secretary of State.		

EXECUTIVE SUMMARY

The Proposed Submission Draft DPD is the final main stage of formal Representations on the Thurrock Core Strategy and Development Management Policies Development Plan Document. The Council is requested to note the Report and agree to Publication, Representations and Submission.

1. RECOMMENDATIONS:

- 1.1 To agree the Proposed Submission Draft Development Plan Document (DPD) for the Thurrock Core Strategy and Development Management Policies for both publication (Regulation 27) and subsequent Submission (Regulation 30) to the Planning Inspectorate and the Secretary of State .**
- 1.2 To agree a six week period of formal Representations on the Published DPD in accordance with Regulation 28**
- 1.3 To agree the publication of the Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA) of the DPD and any agree any minor changes to the DPD arising from the SA/SEA Report prior to it's publication.**

Comment [s]: PLEASE CLICK THIS BOX ONCE and enter the date of the meeting (in font 16, not capitals)

Comment [s]: Please leave this for completion by Democratic Services

Comment [s]: PLEASE CLICK THIS BOX ONCE and enter the name of the Committee you are reporting to (in font 16, not capitals)

Comment [s]: Please state the name of the Cabinet Member and the Portfolio to which the report refers

Comment [s]: Please enter details of any Wards and Communities affected by the report. If this section is not applicable, you should enter "none".

Comment [s]: Yes/No/Not Applicable – a 'Key Decision' is generally one affecting more than 2 wards or above £50,000 expenditure – see Guideline 2.7

Comment [sj]: Please state the Head of Service's name and job title

Comment [sj]: Please state Director's name and job title

Comment [sj]: State whether your report is Public or Exempt. If Exempt (i.e. not to be given to the public or discussed in

Comment [sj]: Briefly set out the purpose of your report

Comment [sj]: Please provide a summary of the key points in your report

Comment [s]: The recommendations should be set out in bold in the form of the decision that the decision-

- 1.4 **Agree the recommendations on Representations received during the Preferred Options consultation.**
- 1.5 **That authority be delegated to the Director of Sustainable Communities in consultation with Portfolio Holder for Strategic Planning and Environmental Planning to make anysuch amendments as appropriate in response to further developments relating to the Regional Spatial Strategy, the Lakeside Single Issue Review, the Gypsies & Travellers Judicial Review, changes in Planning Policy Statements, government guidance, the technical evidence base or any other alteration necessary to enable the publication of the Proposed Submission Draft DPD. This delegated authority extends to facts, figures and explanatory text only to take account of the above. This authority does not extend to policy changes.**

Comment [s]: You should briefly explain why the report is on the agenda - See para. 5.3 and 5.4 of the report writing guidelines.

2. (INTRODUCTION AND BACKGROUND):

- 2.1 It is a statutory requirement to prepare DPDs as part of the Local Development Framework (LDF). The LDF is a portfolio of planning documents. The Thurrock Core Strategy and Development Management Policies DPD is the key spatial planning document within the LDF. This DPD sets out the Thurrock Spatial Strategy, policies to deliver it and broad locations for future development in the borough for the Plan period up to 2021.
- 2.2 The Development Plan Documents are prepared in accordance with a project plan called the Local Development Scheme (LDS). Consultation and engagement are undertaken in accordance with the adopted Statement of Community Involvement (SCI). An updated version of the LDS is being prepared for submission to the February Cabinet meeting. The updated LDS will include provision for the current portfolio of Development Plan Documents and Supplementary Planning Documents plus the preparation of the Lakeside Area Action Plan. Once approved, the updated LDS will be submitted to the Government Office for the East of England.
- 2.3 The Proposed Submission Draft stage is the final stage in the preparation of the Core Strategy DPD. Earlier informal Issues and Options stage consultation was undertaken in July and August 2006 together with further Preferred Options consultation during January-March 2008.
- 2.4 Consultation questionnaires were sent to 2,325 residents and stakeholders and there were Public notices, leaflets and press adverts. A total of 901 responses were received to the Core Strategy and a petition of 2941 signatures regarding North East Corringham proposals. Of the 901 responses 522 were individuals that had names on the petition. Further consultation with Community Forums and local groups was also undertaken and logged separately.

2.5 Members will be aware that Single Issue Reviews of the Regional Spatial Strategy East of England Plan have been held in relation to:

- Planning for Gypsy and Traveller Accommodation
- Planning for Lakeside Basin

that have involved public consultation in accordance with the Regulations.

2.6 A Local Development Framework (LDF) Working Group comprising members and officers oversees the timetable, consultation arrangements, preparation and content of the Local Development Documents. The LDF Working Group has met on numerous occasions since July 2008 to consider the various representations, draft policies and proposals. The LDF Working Group has also considered the content of Representations received on the earlier Preferred Options stage.

2.7 The Proposed Submission Draft DPD will be published and made available for the statutory Representations (Regulation 27 Publication stage) for six weeks with details being published in the local press, on the Council website and by poster in Council offices and public libraries. This is a formal Representations process where respondents can only submit Representations on the soundness of the Proposed Submission Draft DPD. They cannot put forward any completely new policies or proposals at this stage. The suite of Technical Studies that comprise the Evidence Base for the policies in the DPD will also be published together with the Statutory documents as prescribed by Regulations. A Consultation Statement, summarising the public consultation process to-date will also be published.

2.8 At the end of the Representations period all responses received will be collated and a Summary Report produced setting out the main soundness issues raised by respondents. This report is then sent to the Planning Inspectorate together with full copies of all the Representations received and the formal Submission Draft DPD. A Planning Inspector will be appointed to consider any changes required based on the tests of "Soundness". The Inspector will convene an Examination in Public (EiP) that will involve public hearings. The Inspector will then publish a Binding Report detailing any changes required to the DPD to make it sound. The Council will make any amendments to the DPD in accordance with Inspector's Binding Report and publish the final version together with the Inspector's Report, Adoption Statement and Proposals Map on the council's website.

2.9 A copy of the Proposed Submission Draft DPD together with recommended Responses to the earlier Preferred Options stage will be made available in the members' room before the meeting. The recommended Responses to the Preferred Options stage reflect the final policy approach as set out in the Proposed Submission Draft DPD.

3. **ISSUES AND/OR OPTIONS:**

- 3.1 This is the main overarching document within the LDF portfolio and sets out the vision, objectives, spatial strategy and policies for the development of the whole area of the Borough up to and beyond 2021 together with policies for the management of development. It contains spatial policies on matters such as housing, employment, transport, community and social infrastructure, Green Belt and Green Grid and minerals and waste. The plan will set out the provision of 18,500 dwellings and target of 26,000 jobs in accordance with regional requirements in the adopted East of England Plan.
- 3.2 The Core Strategy DPD will be the spatial expression of the Sustainable Community Strategy and must be in general conformity with the Regional Spatial Strategy. The plan has also taken account of other stakeholder plans and strategies including those of the Thurrock Thames Gateway Development Corporation. The Core Strategy also reflects key corporate strategies and programmes and impacts on all services including housing, culture, transport and schools building. The DPD also need to take account of community views and the technical evidence base of studies and be capable of monitoring through targets and indicators.
- 3.3 The Strategic Spatial policies cover:
- Sustainable Housing and Locations
 - Sustainable Employment Growth
 - Sustainable Infrastructure
 - Sustainable Green Belt
 - Sustainable Greengrid
- 3.4 Key topic areas include strategic thematic delivery policies on:
- **Housing** – housing provision; affordable housing; gypsies and travellers; travelling showpeople; Neighbourhood Renewal
 - **Employment** – employment provision; network of centres (including Lakeside Regional centre); viability and vitality of existing centres
 - **Socially Inclusive Communities** – well-being: leisure and sports; community facilities; health provision; education and learning; emergency services and utilities
 - **Transport and Access** – Thurrock Urban area: Purfleet to Tilbury; Greater Thurrock; national and regional transport networks; strategic freight movement and access to ports
 - **Environment** – green infrastructure; biodiversity; open space; productive land; Thurrock design; Thurrock character and distinctiveness; heritage assets and historic environment
 - **Climate Change** – addressing climate change; renewable or low-carbon energy generation
 - **Riverside and Coastal** – management and reduction of flood risk; river Thames

Comment [s]: Other headings may be appropriate. The report should outline the reasoning that leads to its recommendations and **must** include:

1. a brief summary of options considered;
2. consultation outcomes
3. a risk assessment.
4. Whether the responsible cabinet members have been consulted/contributed to the report (NB professional and political advice must be clearly distinguished)

- See para.5.5 of the report writing guidelines.

- **Waste and Minerals** – waste strategy; regional waste apportionment; provision of minerals; safeguarding mineral resources
- **Infrastructure** – strategic infrastructure provision

3.5 The Core Strategy DPD also includes policies for the Management of Development that will be specifically used in determining planning applications.

Sustainability Appraisal

3.6 Development Plan Documents are also subject to detailed Strategic Environmental Assessment (SEA)/Sustainability Appraisal (SA) and Appropriate Assessment (AA) in respect of the Habitat Directive. The SEA/SA and AA appraisal are undertaken at all stages of the production of the Development Plan Documents and are subject to public consultation. This appraisal includes Equality Impact and Health Impact Appraisals.

Next Stages

3.7 Following Representations on the Proposed Submission Draft DPD, the Council will compile the final Submission Draft DPD that will be submitted as soon as practicable to the Planning Inspectorate and the Secretary of State, together with the Representations and other Statutory Documents; planned for end April. The Examination in Public Hearings are likely to be held in the summer. Members should note that following Submission, the subsequent timetable is a matter for the Planning Inspectorate to determine in consultation with the council.

4. **CONSULTATION (including Overview and Scrutiny, if applicable)**

4.1 Public Consultation on this DPD has been undertaken in accordance with the Adopted Statement of Community Involvement. There has been extensive consultation with key stakeholders, partners and government agencies. The cross-party LDF Working Group has been actively involved in the development of the Proposed Submission Draft DPD.

5. **IMPACT ON CORPORATE POLICIES, PRIORITIES, PERFORMANCE AND COMMUNITY IMPACT**

5.1 The LDF is the spatial expression of the Community Strategy. The Core Strategy DPD as part of the Local Development Framework will have significant implications in terms of regeneration and the environment of the Borough. The Development Plan Document will set out the plans and proposals of key stakeholders and will impact on many areas of Council service delivery, its plans and strategies.

Comment [j]: This should include any consultation with Ward Members and Shadow Portfolio Holders, as well as any public or statutory consultation

Comment [a]: Please refer to Section 5.7 of the Report Writing Guidelines

6. IMPLICATIONS

6.1 Financial

Implications verified by: **Michael Jones**
 Telephone and email: **01375 652772**
mxjones@thurrock.gov.uk

The approval of the core strategy will lead to the implementation of the LDF, with the majority of associated costs likely to be incurred within the next two financial years. Additional growth has been made within the 2010/11 base budget in respect of this, and longer term cost implications will be addressed within the Medium Term Financial Strategy.

The main financial implications arise in the delivery of the Local Development Framework. The increase in both jobs and properties will create additional financial pressures on the Council directly through, for instance, higher demand on education and social care and waste collection. On a national level, there will be a significant need for infrastructure improvements.

6.2 Legal

Implications verified by: **Alison Stuart**
 Telephone and email: **01375 652040**
astuart@thurrock.gov.uk

The report sets out in its main body that the statutory procedure governing the preparation of Development Plan Documents is contained in Regulations. The Regulations referred to are contained in the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008 made under the Planning and Compulsory Purchase Act 2004. The statutory procedure has to be carefully followed and it is a complicated process.

6.3 Diversity and Equality

Implications verified by: **Samson DeAlyn**
 Telephone and email: **01375 652472**
sdealyn@thurrock.gov.uk

The Council has a statutory duty under the Race Relations Act 2000 (Amendment), the Disability Discrimination Act 2005 and Sex Discrimination Act 1975 (Amendment) to promote equality of opportunity in the provision of services and employment. This means that due regard should be given by the Council to the equality implications of the Proposed Submission Draft Thurrock Core Strategy and Development Management Policies Development Plan Document to ensure it promotes the inclusion of all groups and equality of opportunity.

An Equality Impact Assessment (EqIA) has been conducted on the Proposed Submission Draft Thurrock Core Strategy and Development Management

Comment [sj]: This section should always be completed – if they are dealt with fully in another part of the report, they also need a brief cross reference here. The names and job titles of the officers providing the implications should be provided in full – see Guideline 6.1 and please note Democratic Services Deadlines and ensure that officers providing implications are given 5 clear working days to work on the report. Authors can write implications but they must be signed off by the appropriate officers

Comment [sj]: See Guideline 6.2

Comment [sj]: See Guideline 6.3

Comment [sj]: See Guideline 6.4

Policies Development Plan Document, as an integral part of the Sustainability Appraisal (paragraph 3.6 refers). The EqlA will be checked as being compliant with council's policy prior to publication. This will ensure that any negative impact is identified and revised as appropriate. This is a statutory requirement and obligation placed on the Council. The Representations on the Published DPD (Recommendations paragraph 1.3 refers) will be carried out according to the LDF Statement of Community Involvement Adopted Document. This means the Representations process should work in partnership with all communities in Thurrock to ensure they are fully involved in the decision making process about the soundness of the Spatial Development Strategy, including harder to reach groups. Information should be provided in clear, concise, jargon-free English in accessible formats.

6.4 **Risk Assessment**

Members are advised that the process of preparing a Development Plan Document has inherent risks in that its “soundness “ will be tested at the Examination in Public (EiP) and a final decision made by the Independent Planning Inspector whose judgement is binding on the council.

In order to comply with legislation the Inspector will check that the plan:

- has been prepared in accordance with the Local Development Scheme and in compliance with the Statement of Community Involvement
- has been subject to sustainability appraisal
- conforms generally to the Regional Spatial Strategy
- has regard to any Sustainable Community Strategy for its area
- meets the procedural requirements involving publicity and availability of the development plan document and related documents.

The inspector will consider the soundness of the document in the context of whether it is:

1. ‘Justified’ - this means that the document must be:

- founded on a robust and credible evidence base
- the most appropriate strategy when considered against the reasonable alternatives

2. ‘Effective’ – this means that the document must be:

- deliverable
- flexible
- able to be monitored

3. Consistent with National Policy

The DPD must meet these tests if it is to be adjudged sound by the Inspector. The DPD has been developed to present the strongest possible case for the

policies it contains. PPS12 paragraph 4.49 states that the starting point for the Examination in Public is that the local authority has submitted what it considers to be a sound plan. However, there is no guarantee that all the council's policies will be found to be sound in all respects by the Inspector. The Inspector has, within limits, the ability to make amendments to the Plan and its constituent policies to make them sound or to improve them where they are basically sound but capable of improvement.

The EiP process allows for continuing discussion between the council and the inspector to explore mutually agreed ways forward where this is required. However, there are strict limits to the extent the Submission Plan can be amended in this way without rendering the whole process unsound.

Members are advised that experience to-date with other Local Authorities' Submission Core Strategies is that there are always some amendments to the policies required by the Inspector to make them fully sound or generally make them stronger.

Members will be aware that the Council has initiated a Judicial Review into the RSS East of England Gypsy and Traveller Policy H3. The relevant policy in the DPD reflects the policy "options" that would be required depending upon the outcome of the Judicial Review. This approach has been recommended by Planning Counsel in the interim period until judgement is handed down. Members are advised that this policy "options" approach is only valid in the interim period at Publication stage. Once the outcome of the Judicial Review is known this will inform the Submission stage DPD when only a single policy will go forward.

There are also other policies in the DPD that represent an evolutionary change from the Preferred Options policy stance. The council will put forward the rationale and evidence behind these changes, through the EiP process and at the hearings. The council will contend that these final policies meet the tests of soundness in that they have been previously consulted on and are evidence –based.

There are also policy areas where the council's policy stance on a particular proposal or preferred broad location for a proposal has, at this stage, not substantively changed from Preferred Options stage. In these cases, the DPD sets out the further work that the council will carry out to clarify those specifics.

Members will be aware of the Lakeside Single Issue Review which awaits the Secretary of State's final publication of the revised Adopted RSS policy. The draft policy for Lakeside Regional Centre in the Proposed Submission Draft DPD assumes the Secretary of State will confirm the policy draft set out in his Proposed Changes Consultation document.

7. CONCLUSION

7.1 The Council is recommended to agree, Publish and Submit the Proposed Submission Draft Thurrock Core Strategy and Development Management Policies Development Plan Document.

Comment [sj]: This should inform the recommendations in the report

BACKGROUND PAPERS USED IN PREPARING THIS REPORT:

- Background papers are held in the Sustainable Communities Directorate. The report of the Proposed Submission Draft Thurrock Core Strategy and Development Management Policies Development Plan Document will be made available for inspection at the Civic Offices.

Comment [sj]: See Guideline 8. If any Papers are to be placed in the Members room that relate to this report, you should also list them here

APPENDICES TO THIS REPORT:

- The Proposed Submission Draft Thurrock Core Strategy and Development Management Policies Development Plan Document.

Comment [sj]: List the Appendices referred to in the Report

Comment [sj]: Insert the full contact details of the author of the report

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