

CABINET

14 JANUARY 2020

**ADOPTION OF THE SUNDERLAND CORE STRATEGY AND DEVELOPMENT
PLAN 2015-2033**

REPORT OF THE EXECUTIVE DIRECTOR OF CITY DEVELOPMENT

1. Purpose of the Report

- 1.1 The purpose of this report is to seek Cabinet approval to recommend that Council approves the adoption of the Core Strategy and Development Plan 2015-2033 (the Plan).

2. Description of Decision (Recommendations)

2.1 Cabinet is requested to recommend that Council:-

- Notes the Planning Inspector's Report on the Core Strategy and Development Plan (Appendix 1) and accepts the Main Modifications;
- Adopts the Core Strategy and Development Plan including the Policies Map (Appendix 2) to take effect from 30th January 2020; and
- Cabinet is also requested to agree that the Supplementary Planning Documents set out in Appendix 3 to the report are revoked with effect from 30th January 2020 subject to Council's agreement to adopt the Core Strategy and Development Plan with effect from that date, with revised SPDs to be developed where appropriate.

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 to 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, and tackling deprivation within the city. The document will provide a spatial framework to assist in the delivery of the priorities identified within the City Plan.

- 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. This report seeks approval for the Council to formally adopt this document.
 - 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 Three - International Advance Manufacturing Park (IAMP) Area Action Plan (AAP), which sets out site specific policies for the development of an employment park on land to the north of the Nissan Plant. The AAP was adopted in November 2017.
- 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 All Local Authorities are required to prepare a Local Plan. Plans must be prepared in accordance with the National Planning Policy Framework (NPPF), the Duty to Cooperate and legal and procedural requirements as set out in the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 3.5 Local Plans must be considered to be sound following an examination in public which means that the Plan has been positively prepared and seeks to meet the objectively assessed needs for development and infrastructure requirements, is justified, is the most appropriate strategy, is effective and is consistent with national policy.
- 3.6 The Council has been preparing the Plan for some time in accordance with the legislative requirements above and has consulted on numerous iterations.
- 3.7 Following Cabinet approval on 30 May 2018, the Council undertook a six week public consultation on the Publication Draft Core Strategy and Development Plan, in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Regulation 19 stage is a formal stage where stakeholders and members of the public are given a final chance to make representations on whether they support the Plan or not prior to its submission.
- 3.8 Following the conclusion of this consultation, on 21 November 2018, Council approved the submission of the Plan to the Secretary of State to commence the Examination in Public into the soundness and legal compliance of the Plan.

3.9 The Plan and submission documents were submitted to the Secretary of State on 21st December 2018. The Secretary of State for Communities and Local Government appointed Mark Dakeyne BA(Hons) MRTPI as Planning Inspector to conduct the Examination in Public.

4. Examination in Public

4.1 The Inspector held examination sessions during May and June 2019. Following the hearing sessions, in July 2019, the Inspector published his post-hearing advice note which indicated that in his preliminary views the Plan was capable of being found sound subject to a number of proposed Main Modifications being made to the Plan. He then invited the Council to prepare precise wording for the modifications and organise a consultation on them.

4.2 Between 13 September and 25 October 2019, the Council undertook a six week public consultation on a Schedule of Proposed Main Modifications to the Plan, which included changes discussed during the course of the hearing sessions and to reflect the recommendations of the Inspector in his post-hearing advice note. A summary of the main changes proposed through the Main Modifications is as follows:

- Clarifying and adjusting the distribution of housing and employment land and supply figures to reflect up-to-date information;
- Articulating the exceptional circumstances for the release of Green Belt land;
- Clarifying and updating the components of housing land supply, the assumptions that will be relied upon to calculate the five-year supply and the role of a Housing Implementation Strategy;
- Ensuring that policies and proposals for gypsies and travellers are positively prepared, effective and consistent with national policy;
- Clarifying the components of employment land supply and ensuring employment policies are effective;
- Ensuring that the strategic and generic policies, including those relating to the Green Belt, valued landscapes, housing, and minerals and waste are positively prepared, justified, effective, consistent with national policy, and clear to the decision-maker;
- Deleting Green Belt Housing Growth Areas [HGA] and Safeguarded Land at East Springwell, Rickleton and North Hylton so that land release is positively prepared, justified and consistent with national policy;
- Avoiding the protection of the part of the Hendon Key Employment Area where there is no reasonable prospect of the land being used for that purpose;
- Ensuring that the extent of Settlement Breaks is positively prepared and justified;
- Modifying the development criteria for HGA and the South Sunderland Growth Area so that they are positively prepared, justified and effective; and
- Ensuring that key triggers that would lead to a review and the Implementation and Monitoring Framework are embedded in the Plan.

- 4.3 A full schedule of the Main Modifications which were consulted on is available on the Examination webpage (see document EX19.001 at www.sunderland.gov.uk/csdpeip).
- 4.4 Following the consultation, the Council summarised all of the representations received and submitted these to the Planning Inspector for his consideration.
- 4.5 After taking into account all of the representations received, including those made during the hearing sessions and submitted to the Council in response to the Regulation 19 consultation during the summer of 2018, the Inspector has now issued his final report (see Appendix 1), which sets out that the Plan is considered to be 'sound', subject to the Schedule of Main Modifications appended to the report.
- 4.6 Following publication of the Inspector's report, Council approval is being sought to formally adopt the Plan to take effect from the 30 January 2020.
- 4.7 Following adoption of the Local Plan, under Section 113 of the Planning and Compulsory Purchase Act 2004, a person aggrieved by the Plan may make an application to the High Court to challenge it. Such an application must be made within six weeks of adoption. In these circumstances the Plan's adoption may be delayed by an interim order of the Court pending the outcome of the legal challenge.
- 4.8 Upon adoption, the Plan will replace a number of Policies within the existing Unitary Development Plan (UDP) and Unitary Development Plan Alteration No.2. The list of policies that will be replaced is set out within Appendix 1 of the Plan.
- 4.9 It is the intention that the remainder of the UDP and UDP Alteration No.2 policies which remain 'saved', will be replaced by policies within the emerging Allocations and Designations Plan, which will complete the suite of documents which comprise the Council's Local Plan.
- 4.10 In addition, the Council will delete all Supplementary Planning Documents (SPDs) which expand upon UDP Policies which are to be deleted, as set out in Appendix 3 to this report. Where necessary, new or replacement SPDs will be developed and taken through consultation as appropriate.
- 4.11 Appendices 1-4 will be circulated once the final report has been received from the Planning Inspectorate.

5. Reasons for the Decision

- 5.1 In accordance with the applicable legislation and the Budget and Policy Framework, Council is required to approve the adoption of the Core Strategy and Development Plan as part of Sunderland's Development Plan.

6. Alternative Options

- 6.1 The Council is required to prepare and regularly review its Local Plan. The existing development plan comprises of the Unitary Development Plan (1998) and Unitary Development Plan Alteration No.2 (2007) which are substantively out-of-date. The Plan will provide an updated planning policy framework which will support development within the city, whilst protecting important environmental assets.

7. Impact Analysis

- (a) **Equalities** – As part of the preparation of the Plan an Equalities Impact Assessment was undertaken which is attached at Appendix 4.
- (b) **Sustainability** – As part of the preparation of the Plan a Sustainability Appraisal was undertaken.
- (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** – There are no direct financial implications arising from this report.
- (ii) **Risk Analysis** – Any development plan document such as the Core Strategy and Development Plan is required to be formally examined by an independent Planning Inspector to consider whether or not it is 'sound' and fit-for-purpose. This requires that it has been positively prepared in accordance with all the legal requirements and statutory processes. As part of this the Council was required to demonstrate effective co-operation with others on strategic cross boundary issues (the Duty to Co-operate) and that the proposed Plan is justified, effective and consistent with national planning policy. To mitigate this risk, officers ensured that the policies set out in the Plan were justified and supported by robust evidence, the appropriate Regulations were followed precisely and a diligent approach to the Duty to Co-operate had been taken.
- (iii) **Legal Implications** – Preparation of the Plan has been progressed in accordance with the Planning & Compulsory Purchase Act 2004 (as amended) and the Town & Country Planning (Local Planning) (England) Regulations 2012.

Upon adoption of the Plan, it must be made publicly available as soon as reasonably practicable. In addition, an Adoption Statement must be made available and sent to the Secretary of State and any person who has asked to be notified of the adoption of the Plan. The Adoption Statement must state the date of adoption of the Plan, identify the modifications made and inform the public of the ability to challenge the Plan by an application to the High Court within 6 weeks from the date of adoption under Section 113 of the 2004 Act.

- (iv) **Policy Implications** – The Plan will be part of the Development Plan and as set out in Section 38(6) of the 2004 Act, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise
- (v) **Implications for Other Services** – The Plan’s policies reflect as appropriate other Council and partner 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 by Regulations. The Duty to Co-operate as set out in the Planning and Compulsory Purchase Act 2004 (as amended) places a legal duty on local planning authorities to co-operate with neighbouring authorities and other public bodies and this is tested at examination. A report of consultation has been published alongside the Plan setting out how consultation has been undertaken at all stages.
- (vii) **Project Management Methodology** – The Plan has had the benefit of a dedicated Project Manager.
- (viii) **Procurement** – All procurement undertaken by the Council within the development of the Plan has been conducted according to the Council’s procurement rules and applicable legislation.

9. Background Papers

- 9.1 A comprehensive evidence base was published alongside the Plan. All documentation can be found on the Council’s website at www.sunderland.gov.uk/csdpeip.

10. List of Appendices

- Appendix 1 Planning Inspector’s Report on the Core Strategy and Development Plan
- Appendix 2 Core Strategy and Development Plan
- Appendix 3 Schedule of SPDs to be deleted
- Appendix 4 Equalities Impact Assessment