

EXECUTIVE – SPECIAL MEETING

MONDAY 26 JANUARY 2015 AT 4.00 PM

PRESENT:

Councillor Glover (Leader / Chairman)
Councillor Mrs Martlew (Deputy Leader, and Environment and Transport Portfolio Holder)
Councillor Mrs Bradley (Economy, Enterprise and Housing Portfolio Holder)
Councillor Ms Quilter (Culture, Leisure and Young People Portfolio Holder)
Councillor Mrs Riddle (Communities, Health and Wellbeing Portfolio Holder)
Councillor Dr Tickner (Finance, Governance and Resources Portfolio Holder)

OFFICERS:

Town Clerk and Chief Executive
Deputy Chief Executive
Director of Governance
Director of Resources
Director of Economic Development
Director of Local Environment

ALSO PRESENT:

Councillor Mrs Bowman (Acting Chairman of the Environment and Economy Overview and Scrutiny Panel)
Councillors CS Bowman (Observer)

WELCOME

The Leader welcomed all those present to the special meeting of the Executive.

APOLOGIES FOR ABSENCE

There were no apologies for absence.

PUBLIC AND PRESS

RESOLVED – That the Agenda be agreed as circulated.

DECLARATIONS OF INTEREST

There were no declarations of interest affecting the business to be transacted at the meeting.

CALL-IN

The Leader reported that The Mayor had, on 16 January 2015, agreed that the following item should be exempt from call-in as call-in procedures would overlap the special City Council meeting on 10 February 2015 when the matter was scheduled for consideration:

- Carlisle District Local Plan (2015 – 2030) Proposed Submission Draft

**EX.11/15 **CARLISLE DISTRICT LOCAL PLAN (2015-2030) PROPOSED
SUBMISSION DRAFT**
(Key Decision – KD.31/14)

(In accordance with Paragraph 15(i) of the Overview and Scrutiny Procedure Rules, The Mayor had agreed that call-in procedures should not be applied to this item)

Portfolio Economy, Enterprise and Housing

Relevant Overview and Scrutiny Panel Environment and Economy

Subject Matter

Pursuant to Minute EX.142/14, the Economy, Enterprise and Housing Portfolio Holder submitted report ED.04/15 presenting the Carlisle District Local Plan (2015 – 2030) Proposed Submission Draft (Version 4). She outlined the background position, including the long and complex procedure followed; the evolution of the Plan; and summarised the key changes since the Preferred Options (Stage Two) Draft.

The Economy, Enterprise and Housing Portfolio Holder paid tribute to the Officers who had worked tirelessly on the Local Plan, keeping up with all changes in planning policy and ensuring that the Plan met all necessary requirements.

The Environment and Economy Overview and Scrutiny Panel had considered the matter on 22 January 2015 and the Portfolio Holder thanked the Panel for their very useful comments detailed within Minute Excerpt EEOSP.07/15, copies of which were also submitted.

The Panel had resolved:

“1. That report ED.05/15 – Carlisle District Local Plan (2015-2030) Proposed Submission Draft – be noted.

2. That the Panel had checked the draft Local Plan and considered comments from Officers and were happy to inform the Executive of their support, subject to two minor changes detailed at resolution 4.

3. That the Panel requested that Members should be notified of any material changes to the draft Local Plan as it progressed through examination, and asked for arrangements to be put in place to ensure this happened.

4. That considerations be afforded as to whether the wording of the vision could be strengthened with regards to ensuring coverage for rural areas, and that consideration be afforded to Policy HO4 and its supporting text as to whether the use of the different viability zones could be better explained, including with regards to the zone for Brampton.”

The Portfolio Holder informed the meeting that consideration had been given to the points raised in the above resolutions, and those had been incorporated within an amended Spatial Vision; and Policy HO4 (the amendments being highlighted in red), copies of which

were tabled. She expressed the hope that the amendments met with the Panel's intentions.

In terms of the next steps in progressing the Local Plan, the Economy, Enterprise and Housing Portfolio Holder explained that the Town and Country Planning (Local Planning) (England) Regulations 2012 made clear that, prior to submitting a Local Plan to the Government for independent examination, the City Council must first publish and consult on a 'publication' draft of the Local Plan, namely that which they intended to 'submit'. Importantly the Council must at that stage consider the Plan to be 'sound'. The National Planning Policy Framework (NPPF) identified that the Plan must be positively prepared, justified, effective and consistent with National Planning Policy in order to be so.

It was contended that the draft Local Plan fulfilled those requirements and could and should therefore be regarded as 'sound'.

Consultation on the 'publication' or 'proposed submission' draft of the Local Plan was intended as the final formal consultation and at that stage it would be made available for consultation, alongside other relevant supporting documentation for a minimum period of six weeks. The Portfolio Holder explained the documentation and supporting documentation, including a series of background papers covering key policy areas that may also be made available.

The Portfolio Holder said that the Council had already consulted broadly and more deeply than required; had been very flexible in dealing with the consultation feedback, and the dates for submission of comments.

It was recognised that Parish Councils were not necessarily scheduled to meet within the six week consultation period. Officers had therefore written to the Parish Councils to alert them to the consultation in order that they may have the opportunity to adjust their timetables / hold special meetings if required.

The Economy, Enterprise and Housing Portfolio Holder advised that the next stage in the preparation process (providing that the further consultation did not highlight any fundamental issues of 'soundness') would be for the City Council to formally 'submit' the Local Plan and all relevant supporting documentation to the Secretary of State, who would appoint an independent Planning Inspector to hold an Examination in Public (EiP) into the content of the Local Plan.

In order to support submission of the Plan as quickly as possible following the close of the next stage of consultation on the Local Plan, it was necessary to delegate authority to proceed with submission as recommended. Such an approach was commonly employed by local planning authorities across England and, in the manner proposed, would ensure that an appropriate degree of accountability prevailed.

If the decision was taken to proceed with submitting the Plan, the Council would not at that stage be able to make any further changes to the document including in light of the consultation. Instead the Council could suggest changes it was minded to make to address any comments made, but it would be the role of the Inspector to consider the need for any changes and recommend those to the Council at a later date. In the event that it was considered that fundamental changes were necessary to address comments made through the required consultation, the decision would be taken not to submit the Plan as envisaged, and those changes considered necessary would be brought back

before Council and would again require to be subject to consultation prior to then proceeding with submission of the Plan.

The EiP would focus on checking that the plan had complied with the necessary legal and procedural requirements which governed the plan making process. The Inspector would then focus on examining the 'soundness' of the Local Plan in accordance with the relevant tests as set out in the NPPF.

Prior to the commencement of the EiP the appointed Inspector would determine and communicate which matters would constitute the focus of the examination. That would be aided by a report which the Council was required to prepare following the consultation on the proposed submission draft which set out the main issues raised by respondents to it.

Following the close of the EiP the appointed Inspector would issue a report to the Council to say whether the Local Plan was considered to be 'sound'. That report may contain recommended changes necessary to ensure that the Local Plan could be considered sound but, in order to be able to do so the Inspector must first be invited by the Council, pursuant to Section 20(7C) of the Planning and Compulsory Purchase Act 2004 (as amended), to do so. It was therefore recommended that approval to extend that invitation be explicitly sought from Council.

The Portfolio Holder emphasised that it was important to note that changes necessary to make the Local Plan sound may arise from discussions at the Examination hearing sessions at which the Council may be asked by the Inspector to negotiate with other parties and agree changes prior to them being formally recommended by them. That reflected that in reality a key role of the Inspector was to consider differences in opinion between the Council and other participants in the Plan preparation process with a view to trying to broker, but only where in their opinion needed and possible, compromise. In such circumstances it was simply not practical to keep deferring the examination to enable the consideration of such changes by Council or any other committee with an inherently lengthy lead in cycle. Consequently it was instead necessary to delegate authority, as recommended, to enable the examination process to proceed as intended, whilst again however ensuring a strong degree of accountability.

Upon receipt of an Inspector's report which advised that the Local Plan was deemed to be 'sound' or capable of being made 'sound' through the recommended changes, then the Council could, following a formal resolution to do so, proceed to formally adopt the Local Plan at which point it would replace the existing Carlisle Local Plan (2002 – 2016) and become the primary document against which planning applications for development within the District would be assessed.

The Portfolio Holder added that the length of the EiP was difficult to accurately predict and would ultimately be dependent on the number and complexity of the issues identified for examination by the appointed Inspector. Nevertheless the anticipated timescales associated with the remaining key stages of the preparation of the Local Plan were as set out in Appendix 2 of the report.

It was also important to note that, prior to the formal adoption of the new Local Plan, weight could in accordance with national policy, be legitimately attributed to it (in most circumstances) from its date of publication as a material consideration in the determination of planning applications. In that regard the emerging Local Plan would take a degree of effect and positively influence development in the manner desired from the date at which

the proposed submission draft was published for consultation. Notwithstanding the provisions to that effect in national policy (mainly paragraph 216 of the NPPF), it was considered necessary, in the interests of clarity, to put in place a formal Council resolution to that effect.

An initial briefing session with the Council's Development Control Committee would be organised to raise awareness of the need to begin to have regard to the emerging Local Plan, with subsequent sessions held as necessary in response to any specific need to do so.

Members' attention was further drawn to Section 5 which set out details of the consultation undertaken.

The Acting Chairman of the Environment and Economy Overview and Scrutiny Panel was in attendance at the meeting.

The Acting Chairman informed the Executive that the Panel had been able to thoroughly scrutinise the Carlisle District Local Plan proposed submission draft. That scrutiny had been made easier by the excellent presentation provided by the Team, with many questions having been answered through the presentation. The process which spanned many years demonstrated that Officer / Member involvement had gone a great way in assisting the Local Plan to move through the decision making process.

The Acting Chairman indicated that she had enjoyed scrutinising the Local Plan and had learned a great deal. She felt that working together in the manner identified had been a great success and suggested that approach would be of benefit for other large scale projects. It was also suggested that, should any material changes arise, all Members be involved if it affected their Wards.

In conclusion, the Acting Chairman thanked the Executive for their quick response to the Panel's recommendations, adding that the Panel was very happy to support the Local Plan.

In response, the Economy, Enterprise and Housing Portfolio Holder reiterated the Executive's thanks to the Environment and Economy Overview and Scrutiny Panel for their very useful comments. She also thanked the Local Plan Working Group and the Acting Chairman for their input, adding that any material considerations would of course be brought back.

The Economy, Enterprise and Housing Portfolio Holder then moved the recommendations set out within the report, together with the amended Spatial Vision and the amended Policy HO4.

The Leader seconded the recommendations. In so doing he echoed the Portfolio Holder's thanks to the Members of the Environment and Economy Overview and Scrutiny Panel; and the Local Plans Working Group. He concluded by expressing special thanks to the Local Plans team for their outstanding professionalism and the excellent work.

Summary of options rejected None

DECISION

That the Executive:

1. Noted and had considered / responded to the feedback from the Environment and Economy Overview and Scrutiny Panel following their consideration of the Carlisle District Local Plan (2015 – 2030) Proposed Submission Draft at their meeting of the 22 January 2015; and
2. Referred the Carlisle District Local Plan (2015 – 2030) Proposed Submission Draft to Council for:
 - i. Approval of the content of the draft Local Plan, including the amended Spatial Vision and Policy HO4, for the purposes of a further six week (minimum) formal period of public consultation in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) 2012 Regulations;
 - ii. Authorisation of the Director of Economic Development, following consultation with the Leader of the Council and the Executive Member for Economy, Enterprise and Housing, post consideration of the issues raised in response to the Regulation 19 consultation, to proceed with the submission of the Carlisle District Local Plan (2015 – 2030) to the Secretary of State for Independent Examination in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) 2012 Regulations;
 - iii. Approval to extend an invitation to the person appointed to carry out the examination, to formally request that s/he recommend any necessary modifications to the Plan to make it sound, pursuant to Section 20(7C) of the Planning and Compulsory Purchase Act 2004 (as amended);
 - iv. Authorisation of the Director of Economic Development, following consultation with the Leader of the Council and the Executive Member for Economy, Enterprise and Housing, to agree any minor amendments necessary to help secure the soundness of the Local Plan through the examination process;
 - v. Authorisation of the Director of Economic Development, following consultation with the Executive Member for Economy, Enterprise and Housing, to make further editorial and technical amendments to the Proposed Submission Draft of the Local Plan, which did not materially affect its content, prior to commencement of consultation and/or submission;
 - vi. Approval of a resolution that once published for consultation, weight be given to the Carlisle District Local Plan (2015 – 2030) as a material consideration when exercising Development Management policy decisions, in accordance with paragraph 216 of the National Planning Policy Framework.

Reasons for Decision

The recommendations are necessary in order to enable the timely advancement of the Carlisle District Local Plan (2015 – 2030) towards adoption, in accordance with the

process governed by the Town and Country Planning (Local Planning) (England) Regulations 2012. The Constitution makes clear that the approval of Local Plans rests with Council following their submission to the Executive, a requirement which is deemed to extend to each key draft stage of the Plan in the preparation process.

Delegated authority is necessary in the regards stated within the report in order to be able to practically progress the Local Plan through the Examination. The nature of delegation specified is considered proportionate to the matter to which it relates and importantly will ensure a degree of accountability prevails throughout the plan preparation process.

(The meeting ended at 4.15 pm)