

## Agenda Item 5(a)

STATUS PUBLIC

<b>Portfolio Member/Director/Head of Service</b> Councillor van Zwanenberg/Head of Planning Services	<b>Portfolio</b> Strategic Planning and Regeneration
<b>Subject</b> The early integration of the Local Development Framework function across County Durham	<b>Date</b> 23 <sup>rd</sup> July 2008
	<b>Forward Plan</b> No
<b>Contact Officer</b> Gavin Scott: Policy & Regeneration Manager Tel : 0191 301 8713, e-mail gscott@durhamcity.gov.uk	<b>Previous Minutes</b> None
<b>Purpose of Report</b> <p>The purpose of this report is to request Member agreement to the early integration of all District and County Council work on the production of Local Development Frameworks (LDF) in anticipation of the forthcoming creation of a unitary authority for County Durham and to establish an Interim Team to carry out this work. The Department of Communities and Local Government (CLG) have now published draft regulations for consultation, which propose an immediate transfer of responsibility for LDF preparation from the Districts to the County Council. This will also require the transitional authority to submit a revised Local Development Scheme (LDS) by 30<sup>th</sup> September, which will replace all the existing LDSs.</p>	
<b>Executive Summary</b>	
<p>All District and County Councils currently have a Local Development Scheme (LDS), agreed with GONE, which identifies the scope and programme which guides the production of individual LDFs. For districts this involves comprehensive local planning and for counties mineral and waste planning. The current programme of district based LDF production will not allow sufficient time for any LDF document to have reached formal submission stage by vesting day, although the City Council could have had two documents ready (Planning for Housing &amp; Planning for the City Centre &amp; Retailing) had it not been for staff resource issues caused by the uncertainty of LGR. There is, therefore, little value in continued individual activity, but value in early collaborative work to make an early start on the production of a new County LDF. This will also allow the early development of a 'county-wide' perspective for involvement in the production of an Integrated Regional Strategy and assisting with the potential housing review of the Regional Spatial Strategy.</p> <p>The LGR Place Programme Board and the Joint Implementation Team have previously endorsed the early integration of the LDF function. The County Durham Districts Forum also agreed at its meeting on 6<sup>th</sup> June to pursue early integration.</p> <p>This report on early integration is being taken to all Councils across the County for authorisation, so that work can commence on the new Unitary Local Development Framework prior to vesting day as required by CLG.</p> <p><b>Background</b></p> <p>All eight Local Planning Authorities (LPAs) in County Durham have embarked on LDF production in accordance with CLG's existing guidance. Each have presented the content and timetable for production in their respective Local Development Schemes (LDS) and agreed such schemes with GONE.</p>	

LDF production across County Durham is proposed to consist of the following key components:

- Core Strategies – District wide based core strategies proposed by all seven District authorities and two topic based core strategies by the County Council relating to waste and minerals planning.
- Development Control (DC) Policy Development Plan Documents (DPDs) (proposed by all 7 district authorities although some have combined the DC DPDs and the Core Strategy). The Minerals and Waste Core Strategy DPDs also include development control policies. The City Council's DC Policies Preferred Options paper was published in August 2007.
- Major allocations DPD (proposed by 6 District (not the City Council) and County Council (x2)).
- In addition there is proposed a number of area action plans and topic based Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs). For example the City Council's Planning for Housing Preferred Options paper (Oct 2006), the Planning for the City Centre & Retailing Preferred Options paper (Aug 2006) and the Planning for our Heritage Preferred Options paper (Aug 2007).

These LDF documents are supported by:

- Local Development Schemes which describe the LDF proposed activity by individual authorities and agreed with GONE;
- Statements of Community Involvement (SCI);
- Sustainability Appraisal, Sustainability Environment Assessment (SEA) and Appropriate Assessment Frameworks against which all LDF documents are assessed;
- A robust evidence base; and
- Annual Monitoring Reports submitted to GONE by end of December each year.

None of the key components of LDF production, by either District or County, have reached the 'formal' stage of plan production, i.e. submission stage, although the City Council could have had two documents ready (Planning for Housing & Planning for the City Centre & Retailing) had it not been for staff resource issues caused by the uncertainty of LGR, whilst Sedgefield and Easington submission stage for their Core Strategies was originally planned for March and May 2008 respectively. The vast majority of Core Strategy production was expected to reach Preferred Options stage during 2008 (7 of the 9 plans being prepared). Only the core strategies for Durham City LDF (April 2010) and the Waste Strategy (June/July 2009) lie outside this time framework. The latest date for a Core Strategy to reach Preferred Option stage was anticipated to be April 2010.

Progress on plan making is also a requirement for the allocation of the Housing and Delivery Grant in 2008/09. Guidance is awaited from the Government to determine the impact of production of a single LDS and single Annual Monitoring Report. In addition individual authorities will need to advise on what is to happen with currently unallocated Planning Delivery Grant funds.

A significant amount of joint working on data/evidence collection, particularly on housing and flood risk, retail and renewable energy has already been undertaken which can support a more collective approach. In addition economic appraisal work undertaken to support County and Regional strategies provides further collective support to planning evidence base.

**Draft Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008 – Town and Country planning**

CLG published the above draft regulations for consultation on the 18<sup>th</sup> June. A response

from the JIT to the draft regulations was expected to be submitted by the deadline for responses of Wednesday 2<sup>nd</sup> July. The final regulations are likely to be published very shortly and are expected to take effect immediately.

In essence the draft regulations propose that in areas affected by local government restructuring the Implementation Executive or Shadow Council leading the transition to unitary status (i.e. Durham County Council) becomes the local planning authority except in relation to development control (i.e. decisions relating to planning applications will continue to be undertaken by existing districts). The County Council will continue to have responsibility for waste and minerals planning. Predecessor councils, such as City of Durham, will be consulted on, and receive copies of, relevant documents that are produced up to vesting day.

The County Council will be required to submit a Local Development Scheme to the Secretary of State six months before the reorganisation date (i.e. 30 September 2008). It is open to a transitional council to include in the LDS a Development Plan Document, which is being prepared by a predecessor council and will be adopted over the coming months. Any Local Development Documents must be prepared in accordance with the SCIs of predecessor councils until a new unitary-wide SCI is adopted.

### **Benefits of early integration**

Early integration could have significant benefits for the new unitary authority. These include:

- A single collective and strategic approach to spatial planning would be beneficial to present County Durham's perspective for work on the proposed Integrated Regional Strategy and the possible RSS review of housing and the new Integrated Regional.
- It would enable early consideration and alignment of strategic economic, transport and housing policy, and collective alignment of evidence gathering and research.
- It would provide for continuity and momentum in development planning activity, which is currently 'stalling' in some authorities due to staffing issues.
- It would enable current resources, which are deployed (and currently declining) to development planning to be re-focused giving potential additional staff stability at a time of uncertainty.

### **Description of functions of the Interim Team**

The first task of the new interim team structure would be the production of the new LDS by the 30<sup>th</sup> September. The LDS will need to have reference to district based priorities developed through district issues/preferred options reports and the assessment/collation of district commissioned and compiled LDF evidence base. The Planning Advisory Service, which is currently working with Northumberland authorities, has offered to assist in facilitating the production of a single LDS, if required.

Other duties of the Interim Team are likely to include the following but will be dependent on the priorities identified by the new County Council Members:

- Production of single Statement of Community Involvement (to replace existing).
- Consultation/negotiation with GONE;
- Commencement on the production of a LDF Core Strategy and Development Management DPD, which may or may not include Waste and Minerals;
- If the Core Strategy does not include Waste or Minerals then separate DPDs will be needed;
- Preparation and implementation of LDF Sustainability Appraisal and Appropriate Assessment activity;
- Production of a Housing Allocations DPD (PSA20 requires adoption of this

document by April 2011) – Members will be aware that considerable work has already been carried out in the district on this matter and the delay that LGR will cause in addressing this key issue within the district, although unavoidable, should not prevent the existing district related work being taken forward as part of the Unitary LDF;

- Supporting Supplementary Planning Documents on issues such as Affordable Housing (although the district has a Draft SPD awaiting the outcome of the delayed County-wide Strategic Housing Market Assessment exercise) and S106 agreements;
- Input into the County Durham Sustainable Community Strategy;
- Liaison with other emerging strategic housing, economic development and transport functions of new authority;
- Input to other strategy production, including Integrated Regional Plan, LTP, County and Regional Economic Strategies;
- Appraisal and compilation of comprehensive evidence base;
- Development of comprehensive monitoring systems and facilitating the transfer of data to single system; and

The functions of the Development Plans team that will continue to be undertaken by District Councils until vesting day would include:

- Providing policy input into Development Control, including negotiation of affordable housing provision;
- Policy input to other District based plans and strategies;
- Production of development guidance e.g. sustainable development;
- Continued work on village masterplans;
- Day to day forward planning enquiries;
- District based monitoring and facilitating the transfer of data to single system;

In exploring the opportunity to integrate forward planning activities it will be essential to understand and maintain the critical functional and operational links with Development Control and Building Control to ensure no detriment to service delivery and performance.

### Portfolio Member Recommendations or Items Requiring a Cabinet Decision

It is recommended that Cabinet approve:

1. The formal cessation of direct work on the City of Durham Local Development Framework, and
2. The early integration of the Local Development Framework (LDF) function in line with CLG draft transitional arrangements, and
3. The creation of an Interim Team (including City of Durham Officers) to bring forward the new County-wide LDF, and
4. The interim appointment of a Strategic Planning Manager

### Reasons for Recommendations

The Council is required to comply with regulatory requirements and to harmonise its development planning functions and activities with the aim of reducing uncertainty and delivering continuity.

### Alternative Options To Be Considered

The only alternative is to not act upon draft CLG transitional guidance, however, as set out earlier in this report, the LGR Place Programme Board and the Joint Implementation Team have previously endorsed the early integration of the LDF function and the County Durham Districts Forum also agreed at its meeting on 6<sup>th</sup> June to pursue early integration. The alternative is not, therefore, considered an appropriate option.

### Consultation

The Government's Consultation Draft containing the Regulations has been circulated to key stakeholders.

### LGR Implications

The whole premise of this report arises from LGR, with positive implications for early integration of LDF work to enable as smooth and speedy transition as possible.

### Financial, Legal and Risk Implications

**Financial:** Internal staff costs will remain the same, with a percentage of officer time transferred from work on the City of Durham LDF to the Unitary LDF. It is expected that any additional costs, not envisaged by way of "business as usual", e.g. funding for the Interim Manager and any subsistence costs, will be met by bids for transitional funding from the County Council.

**Legal:** CLG draft LDF transitional regulations require the early integration of the LDF function.

**Risk:** Providing that the process is carried out in line with CLG guidance there should be no risk in procedural terms.

### Resource Implications

Facilitation of early integration will require further consideration of the resource, management/supervisory and operational implications, and the need to continue 'other' forward planning activity, including the policy input to decision making through development control and input into other 'corporate' policies and activities.

There are currently 5.5 full time equivalent posts in the Council's Development Plans Team, which has responsibility for the production of the LDF (amongst a number of functions): the Policy & Regeneration Manager, one Senior Planner, two Planners (one currently vacant) and a part-time Planning Support Assistant. Approximate 70% of the overall team workload

relates to LDF and associated monitoring work.

It is important to facilitate the early integration process without conveying advantage or disadvantage on existing staff by establishing structures/operational arrangements that could also prejudice future staffing arrangements coming forward for the new council. It is considered essential that arrangements are seen as temporary pending decisions to be taken by the new council.

The preferred option would involve:

- The LGR Planning workstream being given responsibility for overseeing all LDF activity, managing work programmes, priority setting and reporting to individual councils through respective departmental arrangements;
- An Interim manager being 'appointed' or seconded (preferably external) in accordance with job profile to be agreed, responsible to Workstream for day to day management and supervision of collective LDF activity;
- An Interim team being formed with individuals being seconded/nominated by district and county, working virtually or centrally.

### **Financial & other impacts of early integration**

There are important issues relating to the immediate transfer of functions. These include:

- financial costs of relocation of staff for part of the working week including IT support (eg laptops etc.), potential accommodation rental, mileage and subsistence;
- the immediate cessation of district based activity;
- the impact on already agreed production/consultation processes planned for implementation by District authorities;
- how to capture evidence building already undertaken and achieve consistency across all District areas in timescale for integration;
- need to merge/amalgamate IT and district based systems; potential public/consultee confusion;
- potential loss of front-line customer interface;
- the potential loss of policy interface with existing Development Control functions and with other District based corporate plans and strategies;
- direct immediate impact on staff currently employed in the Development Plans teams of District Councils; and
- indirect immediate impact on staff in both District and County Councils who have wider management responsibility (often covering all aspects of Planning Workstream functions).

### **Impacts specific to City of Durham**

District based direct LDF work in effect ceased in the District towards the end of 2007 at the time of the departure of two full time members of the Development Plans team and the end of the contract of the consultancy who had provided a part time consultant on sustainability work. In effect the capacity of the team halved (and although it has since been able to fill one of the two vacant posts), the ambitious LDF programme, which had seen the Council publish four Development Plan Documents at Preferred Options stage has stalled. The reduced team has prioritised continued work on the evidence base for the LDF: Strategic Flood Risk Assessment; Strategic Housing Market Assessment; and Strategic Housing Land Availability Assessment. At the same time it continues a policy input into Development Control, other Council strategies, RSS and work on development monitoring (a major task in its own right).

The creation of the countywide Interim team may require the Policy & Regeneration Manager (or other appropriate members of the team depending on LDF work area) to be based with the other Development Plan team leaders/officer for perhaps two days per week, possibly at Chester-le-Street Council Offices (where accommodation is available).

**Timescale for Action**

The Government through CLG require the initiation of early integration of LDF work, with the new Council responsible for that process. It is clear that early integration of LDF activity will ensure best use of resources and enable work on the single LDF for County Durham to progress as quickly as possible, and that the involvement of officers from the City Council can ensure that priorities for the City and district are taken into account as the Unitary LDF emerges.

Given the content of the Draft Regulations published by CLG and the urgency and number of tasks to be undertaken by the new integrated Interim Team it is proposed that arrangements should be in place immediately.

**Associated Policies and Plans**

**Supporting Documents**

None

**Background Papers**

Draft Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008, Town & Country Planning [18<sup>th</sup> June 2008];  
LGR - Joint Implementation Team – Report of Planning Workstream to Place Shaping Programme Board (June 2008)

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## Agenda Item 5(b)

STATUS PUBLIC

<p><b>Portfolio Member/Director/Head of Service</b></p> <p>Councillor Nigel Van Zwanenberg/Head of Planning Services</p>	<p><b>Portfolio</b></p> <p>Strategic Planning &amp; Regeneration</p>
<p><b>Subject</b></p> <p>Design Brief for Former Ice Rink</p>	<p><b>Date</b></p> <p>23rd July 2008</p>
	<p><b>Forward Plan</b> No</p>
<p><b>Contact Officer</b></p> <p>David Thornborrow, Head of Planning Services, (0191 3018701)</p>	<p><b>Previous Minutes</b></p> <p>Min. 337 Cabinet 12<sup>th</sup> November 2007</p>
<p><b>Purpose of Report</b></p> <p>To provide an update on progress regarding the finalisation of the brief and action being undertaken to realise the site's potential for redevelopment</p>	
<p><b>Executive Summary</b></p> <p>The previous report (12<sup>th</sup> November 2007) referred to work carried out by consultants (EDAW) appointed jointly by One NE (funding partners for Durham City Vision) and the City of Durham as planning authority. Cabinet then agreed:</p> <ul style="list-style-type: none"> <li>• To endorse the approach and its objectives.</li> <li>• To acknowledge the site appraisal, the pertaining policy framework and the key issues and opportunities.</li> <li>• To accept the design principles and parameters set out in the draft brief.</li> </ul> <p>A fully complete draft was duly completed in January 2009 but has been the subject of intermittent exchanges with the owners and their advisors; in respect of clarification and interpretation. A final draft has therefore been emerging in recent weeks to take into account these representations and to reflect more general changes to the planning system that have occurred.</p> <p>The former ice rink is a key redevelopment opportunity as a prominent site in the sensitive surroundings of its City Centre setting. The Council is required to offer clear guidance to reconcile the difference aspirations for the site, reflect the development and design criteria that will lead to a successful application as such befits the expectations of interested parties.</p> <p>The Brief responds to key development influences (including the Local Plan, the 2020 Masterplan for Durham City, the Secretary of State's Report on the Public Inquiry relative to a previously refused application and the views of key stakeholders). A stakeholder event held on 8<sup>th</sup> October followed meetings with the MP, landowner interests and statutory consultees and resulted in a positive endorsement of the approach and the Brief has incorporated feedback from the event, as well as representations made since the previous Cabinet meeting in November 2007.</p>	

**Portfolio Member Recommendations or Items Requiring a Cabinet Decision**

It is recommended that

1. the progress update be noted;
2. support for the principles and parameters contained within the Brief be re-affirmed;
3. the Brief be finalised by the Head of Planning Services, in consultation with EDAW and the portfolio holder to reflect the outcome of stakeholder discussions

**Reasons for Recommendations**

The Local Planning Authority has a responsibility to provide sound and practical planning advice that is intended ultimately to influence a successful redevelopment. The brief is purposefully leads the preparation and delivery of an optimum development solution and, through a process of development management, seeks the highest possible quality of design and construction as well as maximising benefits for Durham's local communities and visitors.

**Alternative Options To Be Considered**

Proposals submitted hereafter without adequate adherence to an agreed design brief will be unlikely to be acceptable either to the local planning authority and statutory consultees or other parties with an interest in the scale, mass and quality of development. Alternative options include development proposals that are more likely to be speculative, of an inappropriate nature and design that compromise the aspirations for the City Centre set out in other strategy documents. The design brief is not, however, a rigid planning document and, in any event, must be applied with reference to other tools of planning guidance.

**Consultation**

Consultation has been carried out with key stakeholders and the Brief will be a public document that will be used as a basis for informing pre-application discussions and assessing future development proposals. Publicity and further consultation will accompany progress towards an emerging scheme.

**LGR Implications**

It is likely that discussions with architects and developers will arise when marketing of the site proceeds. A period of pre-application discussions may be expected prior to April 2009 although the submission of a formal planning application is expected to be determined by the new unitary planning authority.

**Financial, Legal and Risk Implications**

The preparation of the Brief has been financed by One NE as a result of mediation by the 2020 Vision for Durham City Centre.

The preparation of the Brief will reduce the risk of speculative development and links the aspirations of interested parties to a set of aims and objectives. A more successful outcome for a future development based upon the principles and parameters is likely to be achieved; this will also reduce the risk of confrontational positions of interested parties and abortive resources including a local public inquiry.

**Resource Implications**

A considerable level of pre-application discussion is involved in the preparation of proposals for such a prominent and sensitive site. The Brief will serve to eliminate weak or unsuccessful elements of any emerging proposals and ensure effective use of Council resources, as well as the commitment required by other stakeholders.

**Timescale for Action**

The brief is expected to lead to the selection of a developer by the landowning interests in the site. An application would then follow from pre-application discussions during 2008/2009.

**Associated Policies and Plans**

The National, Regional and Local Policy frameworks as represented by Planning Policy Statements/Guidance, the Development Plan (Regional Spatial Strategy (NE), City of Durham Local Plan) and related good practice advice.

**Supporting Documents**

Principles and parameters enshrined within the Brief

**Background Papers**

Design Brief (Draft) EDAW Final draft emerging July 2008.

Emerging Local Development Framework. (Housing DPD and City Centre and Retailing DPD).

Public Inquiry and Secretary of State decision : Application for redevelopment of former Ice Rink by Kascada.

2020 Vision and Masterplan for Durham City Centre.