

REGENERATION COMMITTEE

25 MAY 2005

Report of the Director of Regeneration

PROGRESSION OF THE WEAR VALLEY DISTRICT LOCAL DEVELOPMENT FRAMEWORK

purpose of the report

1. To inform Members of the continuing progression of the preparation of the Wear Valley Local Development Framework and to outline the next steps in the process.

status of the local development scheme

2. Members will recall that a draft Local Development Scheme (LDS), the project plan for the preparation of the Local Development Framework (LDF), was reported to the Regeneration Committee on 9 March 2005, where Members endorsed its content and approach. This document was subsequently formally submitted to the First Secretary of State (ODPM) via Government Office for the North East (GONE), in accordance with The Town & Country Planning (Local Development) (England) Regulations 2004. Notification that the LDS had formally been approved was received on 12th April 2005 and it came into effect on 20th April 2005. The LDS has been published on the Council website and hard and electronic copies will be made available upon request.
3. Members will recall that the first round of Development Plan Documents (DPDs) to which the LDS refers are:-
 - Core Strategy DPD
 - Housing DPD
 - Development Control DPD
 - South & East Bishop Auckland Action Area Plan DPD.

next steps

4. Now that the LDS is finalised, in order that work may commence in July 2005 on the above mentioned documents, in accordance with the approved project plan, the following areas need to be progressed:-
 - implementation of Strategic Environmental Assessment /Sustainability Appraisal (SEA/SA).
 - formation of a LDF steering group.
 - preparation of a draft Statement of Community Involvement (SCI).

strategic environmental assessment/sea

5. A Sustainability Appraisal and Strategic Environmental Assessment are a mandatory and integral part of the process of preparing a LDF as a means of assessing the potential social, environmental and economic effects of new plans. Given the specialist and continual requirements of this work it is proposed that this Council enter into a joint arrangement with Sedgefield Borough and Teesdale District Councils to employ two officers, initially for a fixed period to carry out this work. This proposal is presented in detail in item 4 of this agenda for Members consideration.

formation of ldf steering group

6. The new development plan system advocates a programme and project management approach to the production of a LDF, not least because of the procedures involved in the preparation of several Development Plan Documents (DPDs) simultaneously and the requirement to meet the 'mile stones' which the Council has agreed with THE ODPM.
7. It is proposed that the overall LDF 'programme' is 'project' managed in accordance with the PRINCE2 model. The Principal Forward Planning Officer will be assigned the role of Programme/ Project Manager, who in turn will report to a LDF Steering Group. This Group will act as the support and advisory group for LDF production. The LDF Steering Group will meet formally on a monthly basis and comprise of:-
 - Chair of the Regeneration Committee (proposed Chair of Group)
 - Chair of Development Control Committee
 - A Member from each of the 3 sub areas (Weardale, Crook/ Willington & Bishop Auckland).
 - The Director of Regeneration
 - The Head of Development & Building Control
 - The Head of Planning & Environmental Policy.
8. It is proposed that the frequency of meetings be once per month. Further meetings may be called to coincide with the completion/ commencement of 'key stages' in the process. Full attendance of meetings will be critical to the success of the overall programme. Regular reports on progress will be submitted by the Project Manager to the Regeneration Committee.

preparation of a draft statement of community involvement

9. One of the fundamental changes in the production of a development plan and the manner in which planning decisions are reached, introduced by the Planning and Compulsory Purchase Act (2004), is the requirement for local planning authorities to ensure full and meaningful community involvement in the planning process. Government guidance highlights that community involvement in planning should not be a reactive, tick box, process. To attain

this the production of 'The Statement of Community Involvement' (SCI) is seen as one of the key components of the Local Development Framework. Whilst it is not obligatory that this document is prepared at this early stage in the plan making process it would seem logical that a priority is given to its production to ensure that the community is fully and effectively engaged at the earliest possible time in the process.

10. The SCI must set out the methods by which the Council will engage 'the community'. In this sense the community includes individuals and stakeholders as well as actual community groups and organisations, and involvement is required both in the preparation and revision of specific plans and policies (Forward Planning) and on major development proposals in the District (Development Control). The SCI needs to identify how the community will be involved in Development Control issues. It is essential that the production of this document ensures an inclusive approach, which is guided by local circumstances. It is vital to take forward the objectives of the SCI, with the overall aim that all people, irrespective of age, sex, ethnicity or background, etc have the opportunity to make their views known and have their say in how their community is planned. It is also important that the final document to be published is clear, concise and reader friendly.
11. It is proposed that a draft SCI will be produced by the end of July 2005. The draft will be presented to members before being used as a starting point for public engagement in accordance with Regulation 26 of the aforementioned regulations. Such activities are scheduled to take place during August and September 2005.
12. Consideration of any representations received as a result of this engagement process will be integral to the production of the final SCI document. In turn this document should be completed for formal submission to ODPM by December 2005, in accordance with the 'mile stones' set out in the LDS.
13. It is anticipated that the 'soundness' of the SCI may be dealt with through the written representation process instead of an Examination in Public, depending upon circumstances. Adoption of the SCI should occur by July 2006, this latter date being determined by the capacity of the Planning Inspectorate to produce their final report. Thereafter the Council will be required to actively monitor the success of community involvement techniques and use the findings to refine methods in the future wherever required. It is intended that the SCI be formally reviewed every 3 years. The review will assess:-
 - How successful the community and other stakeholders are able to find information on the LDDs;
 - The level of involvement of 'hard to reach' groups; and
 - Respondents' satisfaction with the Council's overall consultation standards.

conclusion

14. The approval of the LDS signals the long awaited commencement of LDF production. Progression of the diverse matters outlined above will set the foundations for the effective production of the LDF. However whilst meeting the 'mile stones' set in the LDS will be striven for, it must be recognised that given continuing staffing shortages within the Forward Plans team the immediate programme of activity, as set out above and in the adopted LDS will be challenging.

- RECOMMENDED** 1 That Members endorse the proposed arrangements for the programme and project management of the production of the LDF and that appropriate Members are nominated to become members of the LDF Steering Group.

background information

Wear Valley District Local Development Scheme (April 2005)

Officer responsible for the report	Author of the report
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REGENERATION COMMITTEE

25 MAY 2005

Report of the Director of Regeneration

SPECIALIST ADVICE FOR SUSTAINABILITY APPRAISAL FOR LOCAL DEVELOPMENT FRAMEWORKS

purpose of the report

1. To consider proposed arrangements to provide A Sustainability Appraisal for Local Development Frameworks.

background

2. The new Planning and Compulsory Purchase Act 2004 requires that all local authorities should replace their existing local plans with new Local Development Frameworks (LDFs). As part of the LDF production it will now be mandatory for planning authorities to undertake a Sustainability Appraisal (incorporating the requirements of the Strategic Environmental Assessment Directive 2001/42/EC previously reported to Regeneration Committee on 14 January 2004) for Development Plan Documents and Supplementary Planning Documents. Appraisal will be a fundamental aspect of LDF work from the outset. It will consider the environmental, social and economic impacts of all policies and proposals included in the LDF. The SA will be continually updated as the LDF progresses. In addition the methods of community and stakeholder involvement in the SA processes will need to be included in the Statement of Community Involvement (SCI) referred to in agenda item 3. The SA of each DPD will be subject to statutory public consultation to run concurrently with the deposit period of the submission DPD or the final draft SPD.
3. During the preparation of LDDs, the Council will be required to:-
 - Prepare an environmental report on the significant effects of the proposals and strategies in the 'preferred options' and Submission DPD;
 - Carry out consultations on the environmental report;
 - Take into account the environmental report and the results of consultation in decision making;
 - Provide information when the plan is adopted; and
 - Show how the results of the SEA have been taken into account.
4. This presents all District Councils with serious concerns. Such appraisals need to be independent and impartial to have value, and require a significant and technical level of expertise to undertake. Any arrangements to undertake such work would need to meet the key requirements of the draft guidance on 'Sustainability Appraisal of Regional Spatial Strategies and Local

Development Frameworks' issued by the Office of the Deputy Prime Minister in September 2004.

5. It is, therefore, necessary to put in place arrangements to provide for this work initially for a three-year period to cover the bulk of proposed LDF work. At present it is understood that there is insufficient capacity and experience within the existing staff resources of all District Councils to deliver this activity, however, this does present opportunities for collaboration and joint working between districts to address the issue.

proposal

6. A proposal has been considered by all Durham Districts to develop joint working arrangements to provide capacity to undertake this work. Whilst it is accepted that staff within District Councils may not have the capacity or the relevant expertise in this field, District Councils do have a range of environmental experts, LA 21 and Sustainability Officers who could contribute to this work. With joint working it would be possible to join up such resources at a sub-county level. It would be necessary to supplement existing staff with officers and link more closely with a network of existing district Council staff both in environmental and planning services.
7. Arrangements are proposed on a north-south County split, based on Derwentside, Chester-le-Street, Durham City and Easington in the north, and Sedgefield, Teesdale and Wear Valley in the south. It is considered appropriate to appoint an officer to each area and, because these would not necessarily be supported by in-house team (DCC wish to be included in the Northern Group), it would be appropriate to appoint support, for example, by a year-out planning student to each area. Arrangements would be required for recruitment by one host authority in each area.
8. The main features of this arrangement would be:-
 - The strengthening of joint working across the County;
 - Accountability for Districts;
 - Local control over workload and priorities;
 - Providing a local but independent approach;
 - Ability to network with existing environmental staff;
 - Ability to network with local community networks and LSPs; and
 - Increasing the capacity and knowledge of existing environmental and LA 21 staff within District Councils.
9. Discussions are proceeding with Sedgefield and Teesdale to develop such an arrangement, to agree costs, employing authority and service level agreements.

funding

10. The estimated cost of such arrangements based on one PO1/3 and one year-out student on Grade Sc3 would be approximately £50,000 per area per year. This would equate to £16,500 based on equal shares or a maximum of £18,000 for the Council based on a pro-rata split for authorities in the south.

11. It will be necessary to make financial provision to undertake this work from the Planning Delivery Grant, which is specifically intended to facilitate the production of the LDF and the Council, having met its LDF target, is anticipating a further allowance of PDG (about £50,000).

conclusion

12. It is essential that the Council make arrangements to ensure that the LDF is subject to Sustainability Appraisal in order to comply with new legislation. Discussions with Sedgefield and Teesdale have established the potential and practicalities of a joint working district-based arrangement. Details of working arrangements, and decisions on host authorities and salaries are currently being investigated.

RECOMMENDED	1	That the Council agrees to enter into joint arrangements with Sedgefield Borough and Teesdale District to supply Sustainability Appraisals (incorporating Strategic Environmental Assessment).
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REGENERATION COMMITTEE

25 MAY 2005

Report of the Director of Regeneration

PRIVATE SECTOR HOUSING ENFORCEMENT POLICY & PROCEDURE

purpose of the report

1. To seek Committee's approval to the new Private Sector Housing Enforcement Policy and Procedure (attached at Annex 1).

background

2. A robust Private Sector Housing Enforcement Policy and Procedure is required to enable the local authority to manage landlord and tenant complaints in an effective manner.
3. At present the Council do not have a formal Private Sector Enforcement policy or procedure. This has meant that the Private Sector Housing team have followed the guidelines set out in the various acts and used its statutory powers accordingly. However, a robust policy and procedure is required to carry out an effective and consistent service for its customers.

the policy

4. As this is a new policy and does not replace any previous policy, it has been developed to reflect the needs of customers within Wear Valley and taking into account good practice guidance and procedures that have proven to be effective within other organisations.
6. The policy lists the various acts and statutory powers that the Council has to deliver an effective service and summarises these acts in a manner that can be easily understood by customers and staff alike. It is of note that:-
 - At present the Council recharges the landlord for works that are done in default, this included work such as the boarding of properties etc. This policy reaffirms our current procedure to recharge for work undertaken.
 - At present under Section 352A of the Housing Act 1985 in relation to Houses in Multiple Occupation, the Council gives landlords adequate time to rectify unfitness or any problems or complaints relating to landlords property. If the landlord does not carry out the works then a notice is served. Under the Act the Council can make a charge for this work up to £300. It is proposed that the element of the Act be implemented.
 - This policy outlines that in addition a charge will be made on any notice under the Housing Act, Building Act or Environmental Protection Act. At present approximately 45 notices are served a year.

financial implications

7. There will be an increase in costs in the implementation of this policy and procedure. If the Council begin the process of recharging private landlords for neglecting their properties and their tenants, an income may be generated in the region of £10,000 per annum. This will cover the staff time involved in delivering this service. It may also urge landlords to take responsibility for their properties.

legal implications

8. The Council has a legal duty to carry out its statutory powers towards unfit properties in the private sector. This policy will deliver those duties.

monitoring

9. The policy and procedure will be continuously monitored and quality checks carried out by the Principal Housing Strategy Officer on a regular basis. This will ensure a fair and consistent service will be delivered.

conclusions

10. The Council agreed a comprehensive suite of new Private Sector Grants Policies in accordance with the Regulatory Reform Act 2002 at Regeneration Committee on 9th March 2005. These became operational on 1st April 2005. This provided a clear strategic approach to the delivery of private sector housing assistance. The attached Enforcement Policy and Procedures provides a further operational mechanism to effectively deliver the service.

- RECOMMENDED** 1 It is recommended that committee approve the new Private Sector Enforcement Policy and Procedure detailed at Annex 1, with an implementation date of 29th June 2005

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REGENERATION COMMITTEE

25 MAY 2005

Report of the Director of Regeneration

BVPI 4TH QUARTER MONITORING UPDATE (Final Quarter Update) AND SERVICE PLAN 2005/06

purpose of the report

1. To provide for Members a report on BVPI Monitoring in the period January – March 2005 and to present for endorsement the Service Plan for the Regeneration Service for 2005/06 (Annex 5).

background

2. The Regeneration Committee endorsed the Service Plan on 8 July 2004. In order to inform Members a quarterly review has been undertaken on implementation of the plan in respect of the three main service areas of the department: development and building control; planning and environmental policy; and economic regeneration. Summarised in Annex 2 to this report are measures of our performance against key targets and indicators.
3. The indicators show performance against target (where this can be measured) in the quarter and an indication of service improvement.
4. The Service Plan 2005/06 is presented in accordance with the Council's agreed performance management system. It provides an overview of what has been achieved in financial year 2004/05 and a detailed Action Plan of the work which will be undertaken during 2005/06 to meet the Council's statutory responsibilities, and to meet the objectives of the Council Plan. The Service Plan will be reviewed at six months and BVPI's will be monitored and reported quarterly.

development and building control

5. In 2003/04, 1012 applications were received. This represented a great increase in demand on the service. In 2004/05 the number of applications received remained high at 992.
6. Performance in determining applications improved in 2003/04. The performance in 2004/05 was down on the previous year due to increased workload and staffing issues. Due to staff retention/recruitment problems it was not possible to meet targets for the year. The performance was as follows:-

	2003/4	2004/5 Q4	2004/5	Target (set nationally)
Major	63%	71%	59%	60% In 13 weeks
Minor	78%	45%	57%	65% In 8 weeks
Other	90%	57%	73%	80% In 8 weeks

7. It should be noted that these and other figures in this report relate to financial years. Planning Delivery Grant is determined for a 12 month period ending in September each year and to September 2004 the department met all indicators. The situation has deteriorated in the two quarters since then.

action to improve problem of performance

8. To try to address the poor performance workloads of officers' expiry deadlines were checked on a weekly basis, deadlines of applications were identified and the roles of officers were changed. Staff continued to work overtime to meet pressure for work. Members agreed at Council on 28th April 2005 to increase staff resources. This is currently being pursued but will take time. In the meantime temporary staff resources are being accessed.
9. A total of 850 applications were determined, compared with 874 decisions in 2003/04.
10. The percentage of applications determined through delegation to officers was 91% (target 90%).

appeals

11. During the fourth quarter of 2004/05 only 1 appeal decision was received (see Annex 3). The appeal was dismissed. During 2004/05 13 appeal decisions were received of which 6 were allowed (46%).

complaints

12. Seven complaints were received in the 4th quarter compared to 7 in 1st quarter, 5 in the 2nd quarter, and 12 in the 3rd quarter. These are detailed in Annex 3.

ombudsman decisions

13. There have been 4 ombudsman decisions received in the 4th quarter. These are detailed in Annex 3.

enforcement

14. The enforcement support officer continues to issue weekly lists of new and resolved cases to Members. At Annex 4 is a report of notices served and the caseload at 31 March 2005. This information is considered to be exempt in accordance with paragraph 13 of Part 1 of Schedule 12A of the Local Government Act 1972.

15. 68 complaints were received. 88% were responded to within 15 working days (target 100%). This shows an improvement on the previous quarter (80%). However, the department has operated lately with only one enforcement officer, which I hope to supplement with an additional post, as agreed at Council on 28th April 2005.

building control

16. In the 4th quarter of 2004/05 the section determined 90 full applications 41 (45%) of which were determined within 5 weeks (target 75%).
17. The percentage of inspections undertaken in one working day was 100% (target 100%).
18. It is proving very difficult to carry out plan vetting whilst maintaining the excellent inspections record due to heavy workloads.

economic regeneration

19. Applications for ERDF and Single Programme funding have been submitted for an extension to Innovation House. It is hoped to start on site Q1 2005/06 subject to confirmation of funding.
20. Coundon Settlement Renewal Initiative, Crook and Stanhope Market Town Initiative work continues to implement the SRB and European Objective 2 Packages and support the communities in these areas.
21. To assist business enquiries, a register of available land and property is being made available on-line through the Council's web-site. This system will capture the contact information from those seeking information on land and premises within Wear Valley. All contacts will then be proactively followed up using the "Locate" literature and supporting materials to maximise any potential inward investment, expansion or start-up opportunities.
22. This quarter saw the successful launch of two MTI sponsored new initiatives for Wear Valley, Supply Chain Co-ordination and Mine Host. Both of these projects are aimed at supporting local businesses in their efforts to develop either their inter-trading abilities or their product and service offering. Both projects have the backing and active support of the Forum for Business.

private sector housing activity

23. BVPI 62 is normally monitored annually. For the year the target of 5% has been marginally exceeded. For the quarter this means 15 properties made fit – an increase of 11 over the previous quarter.
24. It has to be remembered that the figure used to calculate this indicator for 2004/5 has changed. Rather than use the estimate of unfit dwellings from the Miller Mitchell Housing Study, it has been considered preferable to continue to use the 1996 value for unfit dwellings, for reasons of continuity and accuracy, even though this appears to paint a somewhat more pessimistic figure than may actually be the case.

25. As in previous reports, it should be noted that the indicator is greatly affected by larger-scale clearance, which tends to occur cyclically. Hence, it is difficult and unreliable to deduce longer-term results from a 'snapshot' of one quarter. The figures for the actual number of unfit dwellings dealt with in this quarter represent a significant improvement.
26. The figure for BV64 is well in excess of the annual target and shows that the Empty Property Strategy, which includes an officer dedicated to this task, is continuing to make a significant impact.

brownfield land

27. The third quarter results show a marked improvement. As stressed on previous occasions, increases in the use of brownfield land take time to feed through the system. The rate at which the existing permissions are taken up and developed is of course largely outside the control of the local planning authority. Allowance should therefore be made, in interpreting the statistics, for the 'delay' between the actual grant of permission, and the results 'on the ground.' Once output from brownfield sites benefiting from existing planning permission gathers momentum, the figure will continue to improve.
28. BV 200 is a recently introduced indicator to reflect how up to date the Council's Local Plan is. This indicator pre-dates changes in the planning system introduced by the Planning and Compulsory Purchase Act. In effect, authorities like Wear Valley, which produced their local plan some time ago (1997) and are clearly on track to produce our Local Development Framework in accordance with the new Government target will inevitably not meet BV200.

conclusion

29. The department has made a good start to the delivery of the service plan. Further reports on progress will be made during the year.

RECOMMENDED

- 1 That Members note progress against the Department Service Plan and note action taken to mainstream and improve performance.
- 2 That Members endorse the Service Plan detailed at Annex 5 for 2005/06.

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