

**Report to:** Executive  
**Date:** 22 July 2008  
**Report of:** Executive Member for Regeneration  
**Subject:** Early Integration of the Local Development Framework Function  
**Ward:** All

### **Purpose of Report**

- 1.1 This report seeks authorisation for the early integration of all District and County Council work on the production of Local Development Frameworks (LDF), prior to the creation of a unitary authority for County Durham on Vesting Day. Decisions on matters of Development Control, however, will remain with the District Council.

### **Background**

- 2.1 All District and County Councils currently have a Local Development Scheme (LDS), agreed with Government Office North East, which identifies the scope and programme for the production of 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. 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 housing review of the Regional Spatial Strategy.
- 2.2 The LGR Place Programme Board and the Joint Implementation Team (JIT) have previously endorsed the early integration of the LDF function. The County Durham Association of Local Authorities also agreed at its meeting on 20th June to pursue early integration.
- 2.3 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.
- 2.4 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.

### **LDF Production**

- 3.1 All eight Local Planning Authorities in County Durham have embarked on LDF production in accordance with the Department for Communities and Local Government guidance. Each have presented the content and timetable for production in their respective Local Development Schemes (LDS) and agreed such schemes with GONE.
- 3.2 LDF production across County Durham is proposed to consist of the following key components:
- Core Strategy – District wide based core strategies proposed by all seven District authorities (although Durham City will be relying on their recently

adopted Local Plan in the short to medium term) and two topic based core strategies by the County Council relating to waste and minerals planning.

- Development Management Policies (Development Control) - proposed by all 7 district authorities although Easington's document combines the Core Strategy and Development Management Policies). The Minerals and Waste Core Strategy Documents also include development control policies.
- Major allocations Document (proposed by 6 District and County Council (x2).
- In addition there is proposed a number of area action plans and topic based Development Plan Documents and Supplementary Planning Documents.

3.3 These LDF documents are supported by a:

- Local Development Schemes which describe the LDF proposed activity by individual authorities and agreed with GONE;
- Statements of Community Involvement (SCI) now agreed by seven of the eight authorities (Durham City's has not yet been adopted);
- Sustainability Appraisal, Sustainability Environment Assessment (SEA) and Appropriate Assessment Frameworks against which all LDF documents are assessed;
- Robust evidence base; and
- Annual Monitoring Reports submitted to GONE by end of December each year.

3.4 None of the key components of LDF production, by either District or County, have reached the 'formal' stage of plan production, although Easington currently has its 'Preferred Option' published for public consultation. 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.

3.5 Progress on plan making is also a requirement for the allocation of the Housing and Planning Delivery Grant in 2008/09. Guidance is awaited from the Government to determine the impact of production of a single Local Development Scheme 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.

3.6 A significant amount of joint working on data/evidence collection, particularly on housing and flood risk, employment, 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**

4.1 CLG published the above draft regulations for consultation on the 18 June. A response from the JIT to the draft regulations has been submitted and the final regulations are likely to be published very shortly and are expected to take effect immediately.

- 4.2 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 (ie Durham County Council) becomes the local planning authority except in relation to development control (ie. 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 Easington, will be consulted on, and receive copies of, relevant documents that are produced up to vesting day.
- 4.3 The County Council will be required to submit a Local Development Scheme to the Secretary of State six months before the reorganisation date (ie. 30 September 2008). It is open to a transitional council to include in the Local Development Scheme 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 Statement of Community Involvement of predecessor councils until a new unitary-wide Statement of Community Involvement is adopted.

### **Benefits Of Early Integration**

- 5.1 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.
  - 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.
  - It would enable current resources, which are deployed (and currently declining) to development planning to be re-focused giving potential additional staff stability.

### **Resources implications and Proposed Management Structure**

- 6.1 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, the production of site development briefs and input into other 'corporate' policies and activities.
- 6.2 It is also important to facilitate this 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.
- 6.3 The preferred option would involve:
- The 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.

### **Resources Specific to Easington**

- 7.1 There are 6 full time posts in Easington’s Development Plans Team, of which one post is currently vacant. The team is lead by the Principal Development Planning Officer who has overall responsibility for the production of the Council’s LDF. Currently, the team are engaged in assessing consultation responses to the Preferred Options Document and finalising the production of a number of supporting studies which provided the evidence base for the LDF. In addition, staff support a number of regeneration and housing initiatives identified in the Transitional Plan, and provide policy support for Development Control.

### **Description Of Functions**

- 8.1 The first task of the new interim team structure would be the production of the new Local Development Scheme by the 30<sup>th</sup> September. The Local Development Scheme 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 Local Development Scheme, if required.
- 8.2 The planning policy function will also need to address the requirements of the new Planning Policy Statement 12, Local Spatial Planning (PPS12), which revises the content and procedures for plan preparation and publication. A briefing note advising of the implications of the new PPS is appended to this report.
- 8.3 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 document, which may or may not include Waste and Minerals;
  - If the Core Strategy does not include Waste or Minerals then separate documents will be needed;
  - Preparation and implementation of LDF Sustainability Appraisal and Appropriate Assessment activity;
  - Production of a Housing Allocations document (PSA20 requires adoption of this document by April 2011);
  - Supporting Supplementary Planning Documents on issues such as Affordable Housing 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, Local Transport Plan, 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
- 8.4 The functions 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;
  - Supporting the delivery of the Transitional Plan and providing policy input into other District based plans and strategies;
  - Production of site development briefs and other development guidance including Housing Market Renewal;
  - Day to day forward planning enquiries;
  - District based monitoring and facilitating the transfer of data to single system;
- 8.5 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 and Building Control to ensure no fall in service delivery and performance.

#### **Impacts Of Early Integration**

- 9.1 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.), 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 Forward Planning sections 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 Easington**

- 10.1 District based LDF work will cease once the Preferred Options consultation responses have been reported to the Council, although work on the supporting studies which provide the evidence base for the LDF will continue and will gradually be integrated into a countywide evidence base. Easington is one of the more fortunate Districts in County Durham in having only one vacant post. Therefore, there is capacity within the team to gradually move to a County rather than District basis for plan production whilst continuing to deliver District priorities and commitments in the Transitional Plan. In many respects, it is the context for plan production that would change, rather than the broad nature of the tasks that need to be delivered.

## **Conclusions**

- 11.1 It is clear that early integration of LDF activity will ensure best use of resources and enable work on a single LDF for County Durham to progress as quickly as possible. It will avoid abortive work on plan production that cannot legally be brought to fruition and aligns with the recently published draft regulations for Town and Country Planning. However, the recent publication of the District's Core Strategy and Development Management Document – Preferred Options Report, clearly sets out Easington's development strategy for the future, to be incorporated in the new LDF for the County. The proposed integration process clearly recognises the importance of continuing District proprieties which will enable continuing support for the delivery of the Transitional Plan and 'business as usual'.
- 11.2 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.

## **Implications**

### **12.1 Financial**

Financial implications are anticipated to be met from existing budgets.

### **12.2 Legal**

Early integration of the Local Development Framework function would be in accordance with the recently published Draft Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008 – Town And Country Planning.

### **12.3 Policy**

Early integration would enable collaboration to prepare early strategic planning policy, adopted planning policy will continue to be used in determining planning applications until vesting day.

### **12.4 Risk**

The risks associated with early integration are addressed in paragraph 9.1 of the report.

### **12.5 Communications**

The impact of early integration on production of documents in the LDF will be identified in the Local Development Scheme on the Council's website.

### **12.6 Corporate Plan**

Early integration of the LDF function will enable continued preparation of planning policy to support regeneration and improvement of local communities in accordance with the principles and priorities of the Transitional Plan.

### **12.7 LGR Implications**

These are addressed in the report.

## **Recommendation**

13.1 The Executive is recommended to:

- i) agree to the formal cessation of work on the Easington Local Development Framework, and
- ii) agree to the early integration of the Local Development Framework (LDF) function and the creation of an Interim Team and the interim appointment of a Strategic Planning Manager as outlined above. Development Control decisions will remain the responsibility of the District Council.

## **Background Papers/Documents referred to**

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

Planning Policy Statement 12: Local Spatial Planning

**Regeneration and Development Directorate  
Planning and Building Control**

**PLANNING POLICY STATEMENT 12:  
creating strong safe prosperous communities through  
LOCAL SPATIAL PLANNING**

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**1. Purpose**

- 1.1 The purpose of this note is to advise of the revised national Planning Policy Statement relating to the preparation and publication of development plans. The document replaces PPS12: Local Development Frameworks, and is published alongside amendments to the Town and Country Planning Regulations.

**2. Key messages**

**Place-shaping**

- 2.1 As the change in name suggests, the new PPS reiterates the place-shaping role of the local authority and explicitly promotes planning as central to this function. It is the role of the LDF to deliver the spatial priorities of the local authority and the Local Strategic Partnership. The PPS draws out essential links between the Sustainable Community Strategy, Local Area Agreements and the LDF Core Strategy, requiring a seamless package if the place-shaping function is to be discharged effectively.
- 2.2 The PPS places strong emphasis on alignment of these documents through shared vision and local priorities, shared evidence base and the potential for joint consultation and shared monitoring. The revised PPS makes explicit the need for local planning policy to support the LAA to deliver agreed outcomes, and consequently it is important to work with the Local Strategic Partnership, bringing together public, voluntary and community sectors with private enterprise to deliver sustainable development at the local level.
- 2.3 The PPS encourages the local authority to ensure that the Sustainable Community Strategy takes full account of spatial, economic, social and environmental issues, which the LDF Core Strategy should translate into a set of priorities, programmes, policies and land allocations together with the resources to deliver them, thereby underpinning the corporate strategy of the council and the LSP.
- 2.4 The PPS highlights the key place-shaping actions that the LDF should address:
- Housing land availability
  - Green infrastructure
  - Facilitate the private sector to deliver affordable housing
  - Land for business
  - Attractive environment and sufficient workforce to attract business
  - Encourage and co-ordinate private sector investment
  - Provide robust basis for making bids for public funds and assembling land
  - Provide robust basis for assessing and providing supporting infrastructure
  - Safeguard environmental assets
  - Review the use of, and co-ordinate the release of, land and buildings



- Provide justification for compulsory acquisition.

### **Implementation**

- 2.5 To reflect the central role of spatial planning in the place-shaping agenda, the revised PPS now makes the delivery strategy of the Core Strategy central. Particular attention needs to be given to the co-ordination of actions of both the Council and other partners to pull together to achieve the objectives and deliver the vision. The Core Strategy needs to demonstrate that those delivering the actions have been involved in its preparation and the resources are in place to deliver it.

### **Inclusion of key sites**

- 2.6 As anticipated, a Core Strategy can now allocate strategic sites for development if they are central to achievement of the strategy and where investment requires a long lead-in. These must be defined on a Proposals Map rather than just the Key Diagram required in a Core Strategy.

### **Infrastructure**

- 2.7 New in the PPS is the inclusion of infrastructure planning to ensure delivery of the Strategy. The Core Strategy must be supported by evidence of what physical, social and green infrastructure is required to enable the amount of development proposed. This must include who will provide it and when, thereby requiring the Core Strategy to draw on and in parallel influence investment plans and priorities of the local authority and other partners. Infrastructure planning will include costs, sources of funding, and timescales for delivery. Any funding gaps and the performance of infrastructure providers must be reported in the Annual Monitoring Report.
- 2.8 Key infrastructure providers are encouraged to engage in the process of preparing Core Strategies, although it is recognised that different budgeting processes may mean that information is not always available. The Core Strategy must make provision for uncertainty and consider alternatives as well as the reasonable prospect of infrastructure provision.
- 2.9 There is provision in the Planning Bill for the local authority to be empowered, from April 2009, to charge a Community Infrastructure Levy (CIL) on new development to finance infrastructure needed to support growth. Infrastructure to support development strategies will be the basis for establishing policies for charging CIL.

### **Joint working**

- 2.10 The PPS acknowledges that spatial planning does not recognise local authority boundaries and promotes joint working on Core Strategies, particularly where decisions on housing markets or infrastructure capacity, for example, would be more effective. The PPS sets out various forms for joint plan preparation but it is considered that given Local Government Review in County Durham, it is not appropriate to explore this option further at the present time.

### **Community Engagement**

- 2.11 The revised PPS still promotes continuous public participation but is less prescriptive, consultation should be proportionate to the scale of the issue. It advocates a strategic approach to engagement between the local authority and the LSP to integrate consultation processes. However, the number of statutory consultees has been increased and, with the emphasis on delivery, local authorities are encouraged to engage with developers and major landowners to ensure the core strategy can be achieved. The requirements of the PPS will necessitate the preparation of a revised Statement of Community Involvement, this task has already been identified in the LGR planning sub-workstream for a county-wide document. However, it would be

advantageous to wait for legislation in the Planning Bill currently going through Parliament as this proposes to remove Independent Examination of the SCI.

### **Plan preparation**

- 2.12 Reforms in plan preparation are designed to simplify and speed up the process. The need for a robust evidence base, consideration of reasonable alternatives, annual monitoring and sustainability appraisal remain essential, although they should be proportionate to the job being undertaken by the plan. The PPS confirms that LDF should not repeat national or regional policy but only address local circumstances.
- 2.13 Under the new Regulations, which come into effect on 27<sup>th</sup> June, the formal Preferred Options consultation stage of plan preparation is removed. Instead, the local authority must demonstrate that the plan is the most appropriate when considered against all *reasonable* alternatives. This should be done through an objective process informed by the Sustainability Appraisal.
- 2.14 The Regulations require a new single formal statutory consultation stage *prior* to Submission of the plan to the Secretary of State. Publication is now for a minimum of 6 weeks, rather than for a statutory 6-week period. At publication, it is expected that all major issues have been resolved, publication will afford the local authority the opportunity for minor amendments so that no post submission changes need to be made. Under this streamlined approach, where the plan is considered sound and in its final form at submission, the Inspectorate advise that the Examination time will be reduced from the current 12 months from submission to publication of the binding Inspectors report, to 29 weeks for the average Core Strategy.
- 2.15 The rigours of examination remain - the nine tests of soundness are essentially the same but have been repackaged in a simpler format consisting of meeting legal requirements, and then soundness in terms of being justified, effective, and consistent with national policy.

### **Local Development Scheme**

- 2.16 Timely progress with the Core Strategy is seen as essential to deliver PSA 20, which sets a target of 2011 for housing delivery development plan documents to be adopted in order to meet government aims to increase long term housing supply and affordability. This will require careful consideration in a new Local Development Scheme for County Durham under LGR, since Allocations documents can not be adopted before a Core Strategy, and Supplementary documents should only be published where they support policy in a higher, adopted Development Plan Document.
- 2.17 Local Authorities are required to prepare a new Local Development Scheme to meet the requirements of the PPS. Four new key milestones, used to measure performance, are identified which reflect the streamlined approach to plan preparation. These are consultation on Sustainability Appraisal scoping report, publication, submission and adoption of the development plan document. To meet government priorities for housing delivery, local authorities are advised it is vital to meet programme timetables, and to inform the public in real time of any slippage.
- 2.18 There will be greater scrutiny of which other development plan documents the local authority propose to deliver in their Local Development Scheme. These should only be used to provide additional detail which would not be appropriate in a Core Strategy, it is important to get the right balance between value added by inclusion of the document and the resources and time delay involved. Area Action Plans are retained where there is need for a planning framework for areas of significant change or conservation, particularly as a basis for compulsory purchase actions or as a catalyst to get agencies to work together.

### **3. Next Steps**

- 3.1 The renewed thrust of the PPS to integrate planning policy with preparation of the Sustainable Community Strategy and the LAA, in collaboration with the Local Strategic Partnership, is a key message to take forward in LGR. It will be difficult to demonstrate at Independent Examination that a County Durham LDF Core Strategy is sound if it is not prepared as part of a joint package and with structures in place in the new authority for this to be effective.
- 3.2 Given the work already completed on the LDF, Easington is in a strong position to ensure it's needs are recognised in early integration of the planning service in the coming months. The revised PPS is timely in identifying what will be essential to progress a county-wide LDF. This will require initially a new Local Development Scheme, a new Statement of Community Involvement, and a new Core Strategy, all to be prepared in accordance with the revised Regulations,
- 3.3 The PPS is particularly focused on the Core Strategy. If this document is prepared appropriately and in accordance with the new guidance, it is anticipated that production of other documents, where they are necessary, will be a streamlined and speedier process once difficult key decisions are made in an adopted Core Strategy.
- 3.4 In the transitional period, work is proceeding on preparation of the evidence base essential to the production of a Core Strategy for County Durham, in particular relating to housing land supply, housing market assessment, and the potential for a joint Annual Monitoring Report by December this year to establish a baseline for future needs in LDF document preparation.