

Cabinet

31 July 2008



Early Integration of the Local Development Framework Function

Key Decision: Env/EN/09/08

Report of Roger Elphick, Acting Corporate Director, Environment (Cabinet Portfolio Holder for Environment Councillor Bob Young)

1.0 Purpose of the Report

- 1.1 To request Member agreement to the early integration of all District and County Council work on the production of Local Development Frameworks (LDF) in advance of the forthcoming creation of a unitary authority for County Durham. The proposals are in order to help meet the requirements of draft regulations on transitional arrangements for planning outlined below (see Appendix 3).
- 1.2 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.

2.0 Background

- 2.1 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. 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 assist with the housing review of the Regional Spatial Strategy (RSS).
- 2.2 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 June 2008 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 September 2008 which will replace all the existing LDSs.

- 2.4 A summary of both the current position with LDF production in all eight authorities and the draft Transitional Arrangements Regulations are set out in Appendices 2 and 3 respectively.

3.0 Benefits of Early Integration

- 3.1 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.

4.0 Resources/Management/Structure

- 4.1 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.

- 4.2 It is also important to facilitate this process without conveying advantage or disadvantage on existing staff by establishing structures/operational arrangements that could 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.

- 4.3 The preferred option would involve:
- The LGR Planning Workstream being given responsibility for overseeing the 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 the Corporate Director, Environment for day to day management and supervision of the collective LDF activity.
 - An Interim team being formed with individuals being seconded/nominated by District and County, working virtually or centrally.

5.0 Resources Specific to the County Council

- 5.1 There are 7 full time posts in the County Council's Planning Policy Team: a Business Manager, a Section Manager, four Planning Officers and a vacant post, plus a part time Planning Technician. The Team is responsible for preparing and monitoring the Minerals and Waste Development Framework

and input into regional planning policy on behalf of County Durham, primarily the Regional Spatial Strategy and related documents. However, the Team also provides policy advice on major minerals and waste planning applications dealt with by the Development Control Team; planning policy input into the waste management strategy and procurement process for the new waste contract; and prepares County Council responses to national government and neighbouring authority consultations on planning policy issues. It is working in partnership with the Districts on county-wide Strategic Housing Market Assessments, Strategic Housing Land Availability Assessments, and county-wide monitoring systems to meet RSS and LDF evidence base requirements. One area of work which will cease in April 2009 is acting as an agent for the North East Assembly in assessing conformity of district council LDFs and major planning applications with RSS.

- 5.2 The Business Manager and Section Manager are currently heavily involved in the LGR process in relation to workstreams for Planning (including Development Plans sub-workstream), Economic Policy, Housing Strategy and Transport Strategy.

6.0 Description of Functions

- 6.1 The first task of the new interim team structure would be the production of the new LDS by the 30 September 2008. 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.
- 6.2 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 a single SCI (to replace existing);
 - Consultation/negotiation with GONE;
 - Commencement on the production of a LDF Core Strategy and Development Management Development Plan Document (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 (Public Service Agreement (PSA)20 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 Strategy, LTP, County Economic Strategy;
 - Appraisal and compilation of comprehensive evidence base;
 - Development of comprehensive monitoring systems and facilitating the transfer of data to single system.

- 6.3 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;
 - Policy input to other District based plans and strategies;
 - Production of site development briefs and other development guidance including Housing Market Renewal;
 - Continued work on existing action area/master planning priorities, in consultation with the new authority;
 - Day to day forward planning enquiries;
 - District based monitoring and facilitating the transfer of data to a single system.
- 6.4 Development Plans Managers will continue to manage the other non-planning staff within their teams until their future within the new unitary authority has been agreed.
- 6.5 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.

7.0 Impacts of Early Integration

- 7.1 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;
 - potential political resistance to early transfer;
 - 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 the County Council

- 7.2 The creation of an Interim Team may require the Planning Policy Business or Section Manager to be based with the District Development Plan Team Leaders for approximately two days a week at a central location (yet to be

determined). Initially, this will be to facilitate working on the new joint Local Development Scheme before the September deadline.

- 7.3 The Regulations mean that the County Council cannot continue with a separate Minerals and Waste Development Framework. A decision will need to be made when preparing the joint LDS as to how minerals and waste issues are to be treated. They could either be combined with other matters, such as housing and employment, into a single core strategy, as happens in unitary authorities in metropolitan areas, or incorporated into a separate minerals and waste core strategy, and site allocations development plan document, to recognise the diverse nature and types of minerals and waste issues in the County and the size of the geographical area.

8.0 Conclusions

- 8.1 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. CLG also favour the initiation of early integration and feel that this can be legally undertaken. The benefits of the proposal are also clear.
- 8.2 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 put in place immediately.

9.0 Recommendations and Reasons

- 9.1 Members are recommended to:
- i) agree to the formal cessation of work on the Minerals and Waste Development Framework in its current form; 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.

Background Papers

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

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Appendix 1: Implications

Local Government Reorganisation

(Does the decision impact upon a future Unitary Council?)

Yes, it specifically relates to the early integration of the development planning function, as encouraged by CLG, before vesting day.

Finance

Costs of relocation of nominated staff for part of the working week and the appointment of an interim external manager will be resourced by pooling funds from existing County and District development planning budgets.

Staffing

Joint LDF work would be undertaken by existing County and District Council planning staff with an external interim project manager.

Equality and Diversity

None

Accommodation

Office space needs to be found for the interim LDF Team to work from approximately 2 days a week. Chester-le-Street District Council has space vacated by its housing function.

Crime and Disorder

None

Sustainability

All LDF Documents are subject to Sustainability Appraisal.

Human Rights

None

Localities and Rurality

Early integration of LDF work affects each local planning authority in the County.

Young People

None

Consultation

Government consulted with the Joint Implementation Teams (JITs) of emerging unitary authorities on the draft regulations from 18 June to 2 July 2008.

Health

None

Appendix 2: Current position with LDF production

- 1 All eight Local Planning Authorities 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.
- 2 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 (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 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.
 - Major allocations DPD (proposed by 6 Districts and the County Council (x2)).
 - In addition there is proposed a number of area action plans and topic based DPDs and Supplementary Planning Documents (SPDs).
- 3 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) 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;
 - A robust evidence base; and
 - Annual Monitoring Reports (AMR) submitted to GONE by end of December each year.
- 4 None of the key components of LDF production, by either District or County, have reached the 'formal' stage of plan production, ie submission stage, although for Sedgefield and Easington submission stage 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.
- 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 LDS and single AMR. In addition individual authorities will need to advise on what is to happen with currently unallocated Planning Delivery Grant funds.
- 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.

Appendix 3: Draft Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008 – Town and Country Planning

- 1 CLG published the above draft regulations for consultation on the 18 June 2008. A response from the JIT to the draft regulations is expected to be submitted by the deadline for responses of Wednesday 2 July 2008. The final regulations are likely to be published very shortly and are expected to take effect immediately.

- 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 district councils, will be consulted on, and receive copies of, relevant documents that are produced up to vesting day.

- 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 LDS a DPD, 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.