

Item 4

KEY DECISION

REPORT TO CABINET

5 October 2006

**REPORT OF DIRECTOR OF
NEIGHBOURHOOD SERVICES**

Portfolio: Planning and Development

Sedgefield Borough Local Development Framework – Local Development Scheme 2006

1 SUMMARY

- 1.1 The Planning and Compulsory Purchase Act 2004 represents a major reform of the planning system. The Government's objective is to produce a more flexible plan-making system, the Local Development Framework. The LDF will comprise of a Local Development Scheme (LDS) which sets out the work programme; a Statement of Community Involvement (SCI); a range of Development Plan Documents (DPDs); Supplementary Planning Documents (SPDs); and, Annual Monitoring Reports. In terms of the preparation of documents, the SCI, DPDs and SPDs are known as Local Development Documents (LDDs). There is no requirement for the LDS to have a formal consultation exercise but it does need agreement from Government Office for the North East (GO-NE) and the Planning Inspectorate (PINS).
- 1.2 The LDS explains the work programme for the preparation of LDDs that will form part of the LDF. The Borough Council has been in detailed discussions with GO-NE and PINS over the content of the LDS. The key documents to be delivered in the LDS are a Core Strategy DPD, Major Allocations DPD, and an Affordable Housing SPD. Some priority will be given to the preparation of a Development Control Policies DPD. The LDS provides a written and diagrammatic description of the documents to be produced and their own key 'milestones'

2 RECOMMENDATION

- 2.1 That Cabinet endorses the attached Local Development Scheme. The LDS will then be formally submitted to the Secretary of State (represented by GO-NE) for approval. At the same time, the LDS will be sent to PINS to enter into a Service Level Agreement.

3 THE LOCAL DEVELOPMENT SCHEME

- 3.1 In essence, the LDS is a public statement for the Council's programme for the production of LDDs, detailing which documents it intends to prepare and the timetable for their preparation.
- 3.2 Since the publication of the last Local Development Scheme in April 2005, the Borough Council has made progress in the delivery of its Local Development Framework. In February 2006, the Council adopted the Residential Extensions Supplementary Planning Document and in June 2006, the Council adopted the Statement of Community Involvement.
- 3.3 However, progress on the preparation of the Core Strategy and Major Allocations Development Plan Documents stalled. The Local Development Scheme 2005 identified several potential risks to document preparation and a number of these risks have arisen. The Forward Planning Team has suffered from staff shortages for 15 months, with the vacant Senior Planning Policy Officer only recently being filled. The effects of a lack of dedicated staff resources was also compounded by the need for Officers to work full-time on the preparation and presentation of evidence for the North East Regional Spatial Strategy Examination in Public. Furthermore, it has taken more time than anticipated to appoint dedicated members of staff to take forward the Strategic Environmental Assessment and Sustainability Appraisal agenda. These two Officers are joint-funded with Wear Valley and Teesdale District Councils'. Given this, the Borough Council's LDS timetable also takes in account Wear Valley and Teesdale District's Local Development Schemes.
- 3.4 These issues have now been overcome and work is progressing again. The Core Strategy Alternative Options Report was considered by Cabinet in July and published for consultation in August.

Local Development Documents to be produced

- 3.5 The LDS will comprise of the following LDDs
- **Core Strategy DPD** - Strategic document setting out the vision, spatial strategy and core policies for meeting known and anticipated development requirements to 2016. The document will include a key diagram to show broad locations of proposed new development, key transport nodes, movement pattern and the relationship with other local authorities;
 - **Major Allocations DPD** - This sets out the location of new major housing and employment development for the plan period. It will also consider revisions to the Town Centre boundaries;
 - **Affordable Housing SPD** – This will set out detailed guidance for developers to the issues concerning the provision of affordable housing.
 - **Development Control Policies DPD** - This sets out the land use development control policies for the LDF period;
- 3.6 The last LDS stated that the Core Strategy and Major Allocations DPDs would be prepared together. It is now clear that from experience elsewhere in the country that the delivery of these two DPDs concurrently is not realistic. The advice from both GO-NE

and PINS is that the production of these documents should be staggered so that the Inspector's Report into the Core Strategy is received by the Council prior to the submission of other DPDs for examination. This revision to the LDS takes account of this advice.

- 3.7 The Annual Monitoring Report 2004/5 highlighted the need to provide affordable housing as an emerging issue. Since the production of the AMR, property prices in the Borough have continued to rise and this is exacerbating the need for affordable housing. The Borough Council has been working with the University of Newcastle to understand what would require to be covered by such a SPD and the Council's Overview and Scrutiny Committee 2 are currently undertaking a review this summer. The preparation of the Affordable Housing SPD will follow on from the recommendations of the Overview and Scrutiny Committee.
- 3.8 In the transitional period between the Local Plan and the LDF forming the statutory development plan; the Council has an opportunity to "save" policies, proposals and Supplementary Planning Guidance from the adopted Local Plan. These "saved" policies will remain in place until such time that the new LDDs are adopted. PPS 12 identifies that in broad terms, the Borough Council needs to demonstrate to the Secretary of State that these "saved" policies are compliant with the following criteria:
- there is a clear central strategy;
 - it has regard to the Community Strategy;
 - it is in conformity with the Regional Spatial Strategy;
 - it is in conformity with the Core Strategy (where adopted);
 - it is an effective policy in an area where there is significant change envisaged; and
 - it is necessary and does not repeat national or regional policy.
- 3.9 Detailed guidance from the Government has just been published to identify how Local Authorities undertake this assessment. Once this has been fully considered, the Borough Council will undertake this assessment to properly "save" its relevant Local Plan Policies. This will form part of a further revision to the LDS next year.
- 3.10 Furthermore, it is important that the LDS is subject to a risk assessment. As previously stated, some of the risks identified in the first LDS came to fruition and these risks resulted in delays to the preparation of some documents. Overall, the risks identified still remain. A Strategic Risk Assessment has been undertaken and it is Appendix 3 of the Local Development Scheme. Most notably, the key risk for planning authorities is the recruitment and retention of suitably qualified staff. Staff recruitment and retention is a major problem for Local Planning Authorities throughout the country.

4 RESOURCE IMPLICATIONS

- 4.1 There are resource implications for the LDF production. Primarily these relate to three areas. Firstly, dedicated staff resources to prepare the LDF. Secondly, in order to develop the evidence base for the LDF, there will be a need to engage specialist consultants to develop specific guidance e.g. the Open Space Needs Assessment. Finally, there will be significant resource implications for undertaking the Public Examinations for each of the DPDs to be produced.

5 CONSULTATIONS

- 5.1 The Forward Planning Team as part of the preparation of the LDS have consulted with Government Office for the North East and the Planning Inspectorate, who have stated that they will issue a non-intervention letter to this revised LDS. There is no formal requirement for public consultation on the LDS.

6 OTHER MATERIAL CONSIDERATIONS

Links to Corporate Objectives / Values

- 6.1 The delivery of the Local Development Scheme will help the Council to meet Corporate Plan Aim 25.

Legal Implications

- 6.2 Regulations 6 to 12 of the Town and Country Planning (Local Development) (England) Regulations 2004 places obligations on the Local Planning Authority in terms of the format, content and availability of the Local Development Scheme.

Risk Management

- 6.3 Risk management issues are covered within the main body of the report and Section 4 and Appendix 3 of the Local Development Scheme.

Health and Safety Implications

- 6.4 No additional implications have been identified.

Sustainability

- 6.5 There are no sustainability issues associated with this report.

Equality and Diversity

- 6.6 There are no equality and diversity issues associated with the report.

Social Inclusion

- 6.7 The Local Development Scheme sets out when there will be community engagement in the preparation of documents.

Procurement

- 6.8 No additional implications have been identified.

7 OVERVIEW AND SCRUTINY IMPLICATIONS

- 7.1 None.

8 LIST OF APPENDICES

- 8.1 Local Development Scheme 2006

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Ward(s): All

Key Decision Validation: This is a Key Decision as a decision made by Cabinet in the course of developing proposals to Council to amend the **policy framework**.

Background Papers

Planning Policy Statement 12: Local Development Frameworks

Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Councils Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Councils S.151 Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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