

Item 5

REPORT TO CABINET

31 July 2008

REPORT OF DIRECTOR OF NEIGHBOURHOOD SERVICES

Portfolio: Planning and Development

Early Integration of Local Development Framework activity across County Durham and cessation of current Local Development Scheme

1 SUMMARY

- 1.1 The purpose of this report is to request Cabinet agreement to the early integration of all District and County Council work on the production of Local Development Frameworks in anticipation of the forthcoming creation of a unitary authority for County Durham.
- 1.2 As statutory local planning authorities, all District and County Councils have a Local Development Scheme, agreed with Government Office for the North East, which identifies the scope and programme, which guides the production of individual Local Development Frameworks. For districts, this involves comprehensive local planning and for counties mineral and waste planning. At vesting day 2009, the new Council will assume its role as the single local planning authority for the county and will need to embark upon the production of a single Local Development Framework. The current programme of district based Local Development Framework production will not allow sufficient time for any Local Development Framework 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 Local Development Framework and which in the medium term would be beneficial for establishing a 'county-wide' perspective for inclusion in the production of an Integrated Regional Strategy and assisting with the housing review of the Regional Spatial Strategy.
- 1.3 The LGR Place Programme Board and the Joint Implementation Team have previously endorsed the early integration of the Local Development Framework function. The County Durham Districts Forum agreed at its meeting on 6th June to pursue early integration.
- 1.4 The Department of Communities and Local Government have proposed a formal consultation with local authorities on draft regulations that will achieve the early formal transfer of the Local Development Framework activities to the County Council. This will

also require the transitional authority to submit a revised Local Development Scheme by 30th September, which will replace all the existing Local Development Schemes.

- 1.5 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 RECOMMENDATION

- 2.1 That Cabinet agree to the following:
- cessation of current Local Development Framework activity, with the exception of Area Action Plan and Supplementary Planning Document work;
 - early integration of the Local Development Framework function;
 - the creation of an Interim Team across the County; and,
 - the interim appointment of a Strategic Planning Manager.

3 BACKGROUND

- 3.1 All eight Local Planning Authorities in County Durham have embarked on Local Development Framework production in accordance with Department of Communities and Local Government's existing guidance. Each have presented the content and timetable for production in their respective Local Development Schemes and agreed such schemes with Government Office for the North East.
- 3.2 Local Development Framework 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 Policy Development Plan Documents (proposed by all 7 district authorities although some have combined this Document with the Core Strategy). The Minerals and Waste Core Strategy also include development control policies.
 - Major allocations Development Plan Documents (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 Local Development Framework documents are supported by:
- Local Development Schemes which describe the Local Development Framework proposed activity by individual authorities and agreed with Government Office for the North East;
 - 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 and Appropriate Assessment Frameworks against which all Local Development Framework documents are assessed;

- A robust evidence base; and
- Annual Monitoring Reports submitted to Government Office for the North East by end of December each year.

- 3.4 None of the key components of Local Development Framework production, by either District or County, have reached the 'formal' stage of plan production, i.e. 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 (April 2010) and the Minerals and 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 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 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

- 3.7 The Department for Communities and Local Government published the above draft regulations for consultation on the 18th June. A response from the Joint Implementation Team to the draft regulations is expected to be submitted by the deadline for responses of Wednesday 2nd July. The final regulations are likely to be published very shortly and are expected to take effect immediately.
- 3.8 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 Sedgefield Borough Council, will be consulted on, and receive copies of, relevant documents that are produced up to vesting day.
- 3.9 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. 30th 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 the

predecessor councils until a new unitary-wide Statement of Community Involvement is adopted.

Benefits of Early Integration

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

Description of Functions

- 3.11 The first task of the new interim team structure would be the production of the new Local Development Scheme by 30th 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 Local Development Framework 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.
- 3.12 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 Government Office for the North East;
 - Commencement on the production of a Core Strategy and Development Management Development Plan Document, which may or may not include Waste and Minerals;
 - If the Core Strategy does not include Waste or Minerals then separate Development Plan Documents will be needed;
 - Preparation and implementation of Local Development Framework Sustainability Appraisal and Appropriate Assessment activity;
 - Production of a Housing Allocations Development Plan 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; and,

- Development of comprehensive monitoring systems and facilitating the transfer of data to single system.
- 3.13 The functions that will continue to be undertaken by District and Borough 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 new authority;
 - Day to day forward planning enquiries; and,
 - District based monitoring and facilitating the transfer of data to single system.
- 3.14 Forward Planning Managers will continue to manage the other non-planning staff within their teams until their future within the new unitary authority has been agreed.
- 3.15 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

- 3.16 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 (e.g. 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).

The impacts of early integration have been risk assessed against the STORM methodology and this is attached at Appendix 1.

3.17 Specifically to Sedgefield, the preparation of the Borough's Local Development Framework Core Strategy and Major Allocations Development Plan Documents has now ceased. The exception to this is the ongoing work for the Spennymoor Town Centre Area Action Plan and two Supplementary Planning Documents. These Documents will continue to be developed.

4 RESOURCE IMPLICATIONS

- 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, which 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.
- 4.3 The preferred option would involve:
- The Planning Workstream being given responsibility for overseeing all Local Development Framework 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 Local Development Framework activity; and,
 - An Interim team being formed with individuals being seconded/nominated by district and county, working virtually or centrally.
- 4.4 It is important that Forward Planning Managers continue to manage their staff until future structure within the new unitary authority has been agreed. This will have to be a mixture of on and off-site management. The creation of an Interim Team may require the Forward Planning Manager to be based with the other Development Plan Managers for an, as yet undetermined, amount of time at a central location, also yet to be determined. Other Planning Policy Officers are likely to be drawn into this Interim Team for specific projects, such as the production of a single Annual Monitoring Report.
- 4.5 It is however critical that all Policy Officer remain for part of the week in the Borough Council Offices to ensure continuity of non Local Development Framework activity, such as the provision of policy advice to Development Control on planning applications.

5 CONSULTATIONS

- 5.1 Informal discussions have taken place with Government Office for the North East with the Planning Workstream Lead Officer.
- 5.2 The Early Integration of Local Development Framework Activity Report has been taken through the County Durham Districts Forum on 6th June 2008.

6 OTHER MATERIAL CONSIDERATIONS

Links to Corporate Objectives / Values

- 6.1 The report relates to the delivery of Corporate Plan Aim 25.

Legal Implications

- 6.2 The legal implications are considered in the main body of the report.

Risk Management

- 6.3 The Risk Assessment is attached at Appendix 1.

Health and Safety Implications

- 6.4 No additional implications have been identified.

Sustainability

- 6.5 No additional implications have been identified.

Equality and Diversity

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

Social Inclusion

- 6.7 No additional implications have been identified.

Procurement

- 6.8 The Planning Workstream Lead Officer (Wear Valley) is to arrange the appointment of the Interim Project Manager.

7 OVERVIEW AND SCRUTINY IMPLICATIONS

- 7.1 None.

8 LIST OF APPENDICES

Appendix 1 – Early Integration Risk Assessment

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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

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

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"/>

Appendix 1 - Strategic Risk Assessment

Early Integration of Local Development Framework Activity		RISK ASSESSMENT MATRIX						SHEET 1 OF 1		
								ISSUED BY		
								Chris Myers		
								ISSUED TO		
		LIKELIHOOD OF RISK HAPPENING	A	VERY HIGH	2, 3		9, 10	4	Planning Workstream Members Development Plans Sub-Group Members	
			B	HIGH			5			
			C	SIGNIFICANT		1				
			D	LOW		6		7, 8		
			E	VERY LOW						
			F	ALMOST IMPOSSIBLE						
1. WRITE DOWN THE RISKS BELOW AND SCORE THEM. 2. ENTER THE RISK NUMBER FROM THE LEFT HAND COLUMN BELOW INTO THE RELEVANT BOX IN THE MATRIX ABOVE. 3. IDENTIFY THE TARGET SCORE, ENTER IN THE MATRIX ABOVE AND NOTE THE APPROPRIATE ACTIONS TO DEAL WITH THE RISK IN THE RIGHT HAND COLUMN BELOW.			4	3	2	1	DATE ISSUED			
			NEGLIGIBLE	MARGINAL	CRITICAL	CATASTROPHIC	June 2008			
			IMPACT ON ACTIVITY OR PROJECT				REVISION DATE			
							September 2008			
No	DESCRIPTION OF RISK (WHAT CAN GO WRONG)	LIKELIHOOD OF RISK HAPPENING	IMPACT ON ACTIVITY OR PROJECT	OVERALL SCORE	TARGET SCORE	ACTIONS REQUIRED TO ACHIEVE THE TARGET SCORE	ACTION BY	WHEN		
1	Financial costs of relocation of staff for part of the working week including IT support (e.g. laptops etc.), accommodation rental, mileage and subsistence	C	3	C3	D3	<ul style="list-style-type: none"> County & Districts to provide laptops for Officers; HR to be made aware of issues Chester-le-Street to identify accommodation costs. Place Board/Councils to identify resources to cover this. 	Planning Workstream	31 July 2008		

2	The immediate cessation of district based activity	A	4	A4	-	<ul style="list-style-type: none"> Draft regulations have been published which indicates cessation of current activity. Shadow Council to take responsibility for LDF delivery County & Districts to identify which Local Development Documents will continue and which will cease 	Planning Workstream Development Plans Group	31 July 2008
3	The impact on already agreed production/consultation processes planned for implementation by District authorities	A	4	A4	-	<ul style="list-style-type: none"> Draft regulations have been published which indicates cessation of current activity. Shadow Council to take responsibility for LDF delivery County & Districts to identify which Local Development Documents will continue and which will cease 	Planning Workstream Development Plans Group	31 July 2008
4	How to capture evidence building already undertaken and achieve consistency across all District areas in timescale for integration	A	1	A1	C2	<ul style="list-style-type: none"> Examination of existing evidence base to identify gaps in provision Cost estimation of developing consistent evidence base for new Council 	Planning Workstream Development Plans Group	August 2008
5	Need to merge/amalgamate IT and district based systems; potential public/consultee confusion	B	2	B2	D2	<ul style="list-style-type: none"> Need to liaise with ICT Workstream Need to develop common consultation database for SCI – amalgamate existing databases 	Planning Workstream Development Plans Group	Ongoing 31 August 2008
6	Potential loss of front-line customer interface	D	3	D3	-	<ul style="list-style-type: none"> Need to ensure that staff return to existing workplaces for part of week to ensure retention of customer interface 	Development Plans Group	Ongoing
7	The potential loss of policy interface with existing Development Control functions and with other District based corporate plans and strategies	D	1	D1	D3	<ul style="list-style-type: none"> Need to ensure that staff return to existing workplaces for part of week to ensure retention of customer interface 	Development Plans Group	Ongoing
8	Potential political resistance to early transfer	D	1	D1	D3	<ul style="list-style-type: none"> Early Integration report has been taken to County Durham Association already and agreement reached Need to ensure that regular reports are produced to let Cabinets & Management Teams understand work progress 	Planning Workstream Development Plans Group	Ongoing
9	Direct immediate impact on staff currently employed in the Forward Planning sections of District Councils	A	2	A2	A4	<ul style="list-style-type: none"> Policy Managers to explain process to Team members and continue to provide line management for all Forward Planning staff 	Development Plans Group	Ongoing
10	Immediate impact on staff in both District and County Councils who have wider management responsibility (often covering all aspects of Planning Workstream functions)	A	2	A2	A4	<ul style="list-style-type: none"> Policy Managers to explain process to Team members and continue to provide line management for all Forward Planning staff Policy Managers to be given external access to Authority e-mail system to ensure that urgent issues can be identified and resolved quickly 	Development Plans Group	Ongoing