



Chester-le-Street
District Council

Report to: Council Meeting

Date of Meeting: 27th September 2007

Report from: Head of Regeneration

Title of Report: Local Development Framework (LDF)
Issues and Options Consultation

Agenda Item Number: **22**

1. PURPOSE AND SUMMARY

- 1.1 The purpose of this report is to recommend to Full Council, two LDF Issues and Options documents to be published for public consultation; one relates to the Core Strategy and the other to Generic Development Control Policies.

2. CONSULTATION

- 2.1 Consultation on this document will take place with a number of external stakeholders. The main focus will be on around 300 organisations and persons on the Local Development Framework (LDF) consultation database

3. CORPORATE PLAN AND PRIORITIES

- 3.1 The LDF will contribute to a number of corporate priorities, specifically including:
- Priority 2: Working in Partnership to Deliver the Sustainable Community Strategy – by providing a planning policy framework that will support the regeneration, tourism, and leisure elements of the Sustainable Community Strategy in particular.
 - Priority 4: Regenerating the District – by providing a land use policy that will enable the District to achieve its regeneration objectives.

4. IMPLICATIONS

Financial and Value for Money Statement

- 4.1 The development of the Local Development Framework is a statutory duty. There will be financial implications involved in the development of the LDF. It is estimated from the experience of other authorities that the costs could be in the region of £110,000 in 2007/8. The majority of this cost relates to background studies required to demonstrate that there is a sound and adequate evidence base. It has been agreed with the Director of Development Services and the Director of Resources that the development of the LDF should be the top priority for use of Planning Delivery Grant, and can therefore be met from within these resources.

Legal

- 4.3 The development of the LDF is a statutory obligation of the District Council.

Personnel

- 4.4 There are no personnel implications arising from the report. With a regeneration and planning strategy team now in place, existing resources will be sufficient to oversee the development of the LDF.

Other services

- 4.5 The main impact on other services arises from the importance of having an LDF in place in order to assist the Development Control service to make decisions on planning applications, or recommend decisions to members. That service has been fully involved in the development of the LDS.

Diversity

- 4.6 There are no direct diversity implications arising from the report.

Risk

- 4.7 The main risk is that the submission version of the Core Strategy is assessed to be unsound by a Government Inspector, and the District Council is required to start the process again.
- 4.8 Conversely there are a number of risks arising from not having an LDF in place. The risks attached to this include the risk of the supply of employment land in the District, and the locations for new development,

and the impact that this will have in delivering the regeneration strategy and sustainable community strategy objectives. Ultimately, were there not to be an adequate supply of future development sites in the District, developers would be able to challenge the local authority on the grounds that a supply did not exist and that they should be given permission to develop sites that were not allocated for development.

Crime and disorder

- 4.9 There are no crime and disorder implications arising from this report.

Other implications

- 4.10 There are no other implications arising from this report.

5. BACKGROUND, POSITION STATEMENT AND OPTION APPRAISAL

LDF Process

- 5.1.1 The project plan and timetable for the Local Development Framework (LDF) process, known as the Local Development Scheme, was agreed at the June meeting of the Executive. The LDF will consist of three different style documents;

- Core Strategy – providing the strategic vision, and is the over-arching document in the LDF process. The other two documents must be in general conformity with the Core Strategy
- Generic Development Control Policies – no more than around 20 policies for assessing “windfall” planning applications
- Development Allocations, or Action Area Plans for large-scale development and regeneration proposals – outlining the sites the Council want to promote for development.

- 5.1.2 Each of the above three documents will go through the following four main consultation stages:

1. Issues and options consultation
2. Preferred options consultation
3. Submission to the Secretary of State and consultation
4. Public examination of objections, publication of the binding inspector’s report, and adoption of the final version.

It is proposed to start consultation on both the Core Strategy and Development Control Policy documents at the same time, this autumn, More background work is required before consultation can start on the Development Allocations document next spring.

5.1.3 The end objective to the LDF process is that the Government inspector judges our submitted LDF documents to be “sound”. All LDF document must pass the following nine tests of soundness:

1. The DPD has been prepared in accordance with the Local Development Scheme.

2. The DPD has been prepared in compliance with the Statement of Community Involvement (SCI), or the minimum requirements set out in the regulations where no SCI exists.

3. The plan and its policies have been subjected to Sustainability Appraisal.

4. It is a spatial plan which is consistent with national planning policy and in general conformity with the RSS for the region and it has properly had regard to any other relevant plans, policies and strategies relating to the area or to adjoining areas.

5. It has had regard to the authority’s Community Strategy.

6. The strategies/policies/allocations in the plan are coherent and consistent within and between Development Plan Documents prepared by the authority and by neighbouring authorities, where cross boundary issues are relevant

7. The strategies/policies/allocations represent the most appropriate in all the circumstances, having considered the relevant alternatives, and they are founded on a robust and credible evidence base.

8. There are clear mechanisms for implementation and monitoring.

9. It is reasonably flexible to enable it to deal with changing circumstances.

5.1.4 The initial failure rate has been high, to date around a third of Core Strategies submitted nationwide have been judged to be unsound.

Core Strategy Issues and Options

5.1.5 A draft of the Core Strategy Issues and Options document was agreed at the Executive meeting on 3rd September.

5.1.6 The format of this document (attached as an appendix to this report) has been heavily influenced by the above tests of soundness, particularly tests 4 to 7. Hence the sub-sections on national policy, the RSS, the Community Strategy, the Regeneration Strategy, local evidence and the questions containing “relevant alternatives”. The chapters in the document

are based on the range of spatial issues which LDFs are expected to address.

- 5.1.7 In the past consultation on local plans was generally dominated by statutory consultees and landowners or developers who wanted to get particular sites allocated for development. The Government are keen that local authorities try to get the local community more involved in influencing the vision and policies in the new style LDF documents, particularly at the early stages. The overall consultation objective is to achieve a broad consensus between the statutory authorities, the local community and developers/landowners who are vital for the implementation of the plan, prior to the submission stage, in order to minimise objections and the time taken to resolve the public examination process.
- 5.1.8 The twin objectives to demonstrate compliance with the tests of soundness, and at the time encourage the local community to engage in such a highly regulated process presents some presentational and formatting challenges. Firstly, the target audience is very diverse and have significantly differing levels of knowledge and expectations of the planning system. What is the optimum level of information to enable such a diverse audience to make informed choices that will produce a sound plan?
- 5.1.9 Attempts have been made in the drafting of this document to reduce the amount of text in order to make it easier for community groups and the public to read and understand it. However, if it is reduced or “dumbed down” too much, then it will be difficult to demonstrate compliance with the tests of soundness at a later stage.
- 5.1.10 It is considered that the main way to try to resolve this dilemma is to take a twin track approach to the consultation. A draft, one page, summary leaflet is attached to this report, with the intention of targeting community groups and the public to try to prompt and encourage them to take an interest in the main consultation document.
- 5.1.11 Two community groups have provided informal comments on the presentation and format of the document, and consider it to be generally clear and understandable. The Government Office for the North East (GONE).have also been complimentary about the style and presentation of the document.

Generic Development Control Policies Issues and Options

- 5.1.12 A draft of this development control consultation was presented to the Planning Committee meeting on the 10th September for information and informal discussion.

5.1.13 This document (attached as an appendix to this report) is more technical than the Core Strategy and likely to be of less interest to the wider community. The target audience for the consultation will be those who already have some involvement with the development control system, either in terms of submitting or commenting on planning applications; e.g. developers, agents, landowners, statutory consultees, Parish Councils, community and special interest organisations.

Sustainability Appraisal Scoping Report

5.1.14 This is an even more technical document which has been produced by the County Council on behalf of the District Council. It is aimed primarily at the following three statutory consultees;

- The Environment Agency
- Natural England
- English Heritage.

However, a non technical executive summary (attached as a appendix to this report) and promotional leaflet have been produced to encourage all those involved in the LDF consultation to take an interest in the document.

Consultation Arrangements

5.1.15 The intended consultation arrangements are broadly as follows:

1. All organisations and persons on the LDF consultation database (just under 300) will be written to, and encouraged to view the document via the Council's website and to make representations on-line, or to request printed copies to be posted to them.
2. Printed copies will be available at the Council offices and local libraries.
3. There will be a promotional article in the September edition of the District News, plus a press release.
4. Copies of the summary leaflet will be distributed as widely as possible around the District
5. Manned public exhibitions will be arranged in the town centre and the three regeneration corridors, in other words, the four District Community Partnership Areas.
6. A briefing workshop will be arranged Parish Councils, Community/Residents Associations and other community groups.

Option Appraisal

5.2.1 The prime purpose of this consultation document is to consider all relevant and realistic alternatives (options) to the range of spatial issues that LDF Core Strategy and Development Control Policies are expected to cover (soundness test 7).

- 5.2.2 What is relevant and realistic, within the limits of national and regional planning policy constraints, is open to some interpretation. To be realistic, it must be in general conformity with the RSS, but what does that mean in detail? How flexible or prescriptive is the RSS? One of the key functions of this consultation is to answer these questions against the local evidence, and questions HO1 and HO2 are examples of this.
- 5.2.3 It would be misleading for the Council to suggest options which are likely to be judged to make the plan unsound. On the other hand, if the Council appears to be closing down the debate at an early stage, it runs the risk of the submitted LDF documents being assessed to be unsound because all the alternative options were not considered. Therefore, a fine line needs to be found to establish where the optimum balance is.
- 5.2.4 Relevant and realistic options can include options which involve variation to some of the existing local plan policies. Therefore, this document should include some options that the Council is not entirely comfortable with, otherwise it has probably closed down the debate too much.
- 5.2.5 Conversely, the Council can use this document to test the flexibility of national and regional policy against local evidence, provided that evidence base is sound and robust.

6. RECOMMENDATIONS

Council are recommended to approve the draft. Core Strategy and Generic Development Policies Issues and Options documents for public consultation.

7. BACKGROUND PAPERS

The following background papers have been used in preparation to this report in addition to those attached as Appendices:

Chester-le-Street Statement of Community Involvement (August 2006)
Chester-le-Street Local Development Scheme (April 2007)

Martin Walker
Head of Regeneration

Telephone: (0191) 387 2233

E-mail: martinwalker@chester-le-street.gov.uk

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