



Chester-le-Street District Council

Report to: Council
Date of Meeting: 18th September 2008
Report from: Regeneration & Strategic Planning Manager

Title of Report: Early Integration of the Local Development Framework Function

Agenda Item Number:

1. Purpose and Summary

- 1.1 The purpose of this report is to request Member agreement for the formal cessation of the Chester-le-Street LDF programme, and to note the early integration of all District and County Council work on the production of Local Development Frameworks (LDF) in anticipation of the forthcoming creation of a unitary authority for County Durham.
- 1.2 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 assisting with the housing review of the RSS.
- 1.3 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 6th June to pursue early integration.

- 1.4 The Department of Communities and Local Government (CLG) have now published regulations 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 30th September, which will replace all the existing LDSs.
- 1.5 This report on early integration, adapted to incorporate specific Council circumstances, 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.
- 1.6 This report was agreed at the Executive meeting of the District Council on the 1st September, when it was resolved:
1. That the Executive recommends that Full Council agrees the formal cessation of work on the Chester-le-Street Local Development Framework.
 2. That the Executive notes and supports 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.
 3. That a letter be sent to all Parish Councils to advise of the functions that will continue to be undertaken by District Councils until vesting day.

2. Consultation

- 2.1 See paragraph 1.3 above

3. Transition Plan and People and Place Priority

- 3.1 "Develop and publish a LDF" is one of the Corporate Plan proposals listed in the Transition Plan.

4. Implications

4.1 Financial Implications and Value for Money Statement

The cessation of the Chester-le-Street LDF programme and formal public consultation will result in cost savings

4.2 Local Government Reorganisation Issues

The whole report relates to reorganization issues

4.3 Legal

Compliance with the general and transitional LDF Regulations

4.4 Personnel

See paragraphs 5.13 & 5.14

4.5 Other Services

There is a need to ensure that there continues to be close working between planning policy and development control

4.6 Diversity
No significant issues

4.7 Risk
Limited risk to the District Council

4.8 Crime and Disorder
No significant issues

4.9 Data Quality

Every care has been taken in the development of this report to ensure that the information and data used in its preparation and the appendices attached are accurate, timely, consistent and comprehensive. The council's Data Quality Policy has been complied with in producing this report.

4.10 Other Implications
None

5. Background ,Position Statement and Option Appraisal

5.1 All eight LPAs 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.

5.2 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 District and County Council (x2)).
- In addition there is proposed a number of area action plans and topic based Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs).

5.3 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 submitted to GONE by end of December each year.
- 5.4 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.
- 5.5 Progress on plan making is also a requirement for 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 LDS and single AMR. In addition individual authorities will need to advise on what is to happen with currently unallocated Planning Delivery Grant funds.
- 5.6.1 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

- 5.7 CLG published the above regulations in June. In essence the 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 Chester-le-Street, will be consulted on, and receive copies of, relevant documents that are produced up to vesting day.
- 5.8 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.

BENEFITS OF EARLY INTEGRATION

- 5.9 Early integration could have significant benefits for the new unitary authority. These include:
- It will help the District Councils to influence the transitional responsibilities given to the County Council by the new Regulations as outlined in paragraph 5.7 of this report.
 - 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.
 - 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 in some Councils) to development planning to be re-focused giving potential additional staff stability.

RESOURCES/MANAGEMENT/STRUCTURE

- 5.10 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.
- 5.11 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.
- 5.12 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. It is likely that the interim team will be located at the Civic Centre in Chester-le-Street

Resources Specific to Chester-le-Street

- 5.13 There are two policy planners working on the LDF within the Regeneration & Strategic Planning team, the regeneration & strategic planning manager and a planning assistant. It is anticipated that approximately 50% of their time (2 or 3 days per week) will be taken up the interim team work, and 50% will remain on District Council functions as outlined in paragraph 5.17., such as the town centre master plan and implementation of the Regeneration Strategy.
- 5.14.1 The other officers in the team, the economic development & tourism officer, the GIS officer and the sustainability officer, will continue to work on general regeneration projects.

DESCRIPTION OF FUNCTIONS

- 5.15 The first task of the new interim team structure would be the production of the new LDS by the 30th September. 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.
- 5.16 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 SCI (to replace existing).
 - Consultation/negotiation with GONE;
 - Commencement on the production of a LDF Core Strategy and Development Management 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 (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, LTP, 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
- 5.17 The functions that will continue to be undertaken by District Councils until vesting day would include:
- Providing policy input into Development Control,
 - Policy input to other District based plans and strategies;
 - Production of site development briefs and other development guidance including regeneration projects;
 - Continued work on existing action area/master planning priorities, in consultation with new authority;
 - Day to day forward planning enquiries;
 - District based monitoring and facilitating the transfer of data to single system;
- 5.18 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.
- 5.19 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

- 5.20 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, other than that outlined in paragraph 5.17;
 - 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 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 Chester-le-Street

- 5.21 The Chester-le-Street LDF timetable anticipated consultation on the core strategy and development control policy preferred options, plus site allocation issues and options, by the end of May. However, this work has been delayed largely because the planning assistant post was vacant for 5 months.
- 5.22 New LDF Regulations mean that it is now discretionary and no longer a statutory requirement to publish preferred option documents. Given the new Regulations and that fact that there will now be a single core strategy and development policies for the whole County, it is probably not prudent for the District Council to formally consult on its preferred options at this late stage.
- 5.23 However, your officers could still undertake District based background work which could be adapted and influence emerging work on the countywide core strategy and development policies. Consultation will still take place on potential housing site options within the District, within the context of a Strategic Housing Land Availability Assessment (SHLAA), The SHLAA is expected to be completed by the end of September.

CONCLUSIONS

- 5.24 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. Indeed the demands of the new Regulations mean that early integration is in practice the only credible option.
- 5.25 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 will start to meet from early August.

6. Recommendations

- 6.1 The Executive is recommended to:
- i) agree to the formal cessation of work on the Chester-le-Street Local Development Framework, and
 - ii) Note and support 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.

7. Background Papers/ Documents referred to

7.1 None

AUTHOR NAME; Workstream collective report adapted by John Smerdon

DESIGNATION; Regeneration & Strategic Planning Manager

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AUTHOR CONTACT; 0191 3872161

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