

TEESDALE DISTRICT COUNCIL

**Report To: EXECUTIVE
14 JULY 2008**

**From: COUNCILLORS JO FERGUS, PAULINE CHARLTON
AND OSSIE HEDLEY**

Ward Members: ALL

**Subject: EARLY INTEGRATION OF THE LOCAL DEVELOPMENT
FRAMEWORK FUNCTION**

1.0 SUMMARY

1.1 The purpose of this report is to request Member 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.

2.0 RECOMMENDATIONS

2.1 It is recommended that the Executive:

2.11 agree to the formal cessation of work on the Teesdale Local Development Framework; and

2.21 agree to the early integration of the Local Development Framework function and the creation of an Interim Team and the interim appointment of a Strategic Planning Manager as outlined below.

3.0 PURPOSE

3.1 All District and County Councils currently have a Local Development Scheme, agreed with Government Office for the North East, which identifies the scope and programme that guides the production of individual Local Development Frameworks. For District Councils this involves comprehensive local planning and for County Councils, mineral and waste planning. The current programme of district based Local Development Framework production will not allow sufficient time for any Local Development Framework 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 Local Development Framework. 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 Regional Spatial Strategy.

3.2 The Local Government Reorganisation 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 also agreed at its meeting on 6 June to pursue early integration.

- 3.3 The Department of Communities and Local Government have now published draft regulations for consultation, which propose an immediate transfer of responsibility for Local Development Framework preparation from the Districts to the County Council. This will also require the transitional authority to submit a revised Local Development Scheme by 30 September, which will replace all the existing Local Development Schemes.
- 3.4 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.

4.0 BACKGROUND

- 4.1 All eight Local Planning Authorities in County Durham have embarked on Local Development Framework production in accordance with Department for 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.
- 4.2 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 seven district authorities although some have combined the Development Control Development Plan Documents and the Core Strategy). The Minerals and Waste Core Strategy Development Plan Documents also include Development Control policies.
 - Major Allocations Development Plan Document (proposed by 6 District and the County Council (x2)).
 - In addition there is proposed a number of Area Action Plans and topic-based Development Plan Documents and Supplementary Planning Documents.
- 4.3 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, now agreed by seven of the eight authorities (Durham City's has not yet been adopted).
 - Sustainability Appraisal, Strategic Environment Assessment and Appropriate Assessment Frameworks, against which all Local Development Framework documents are assessed.

- A robust evidence base.
 - Annual Monitoring Reports, which are submitted to Government Office for the North East by end of December each year.
- 4.4 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 Sedgfield 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 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.
- 4.5 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 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.
- 4.6 A significant amount of joint working on data / evidence collection, particularly on housing and flood risk, employment, retail, open space 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.

5.0 DRAFT LOCAL GOVERNMENT (STRUCTURAL CHANGES) (TRANSITIONAL ARRANGEMENTS) REGULATIONS 2008 – TOWN AND COUNTRY PLANNING

- 5.1 The Department for Communities and Local Government published the above draft regulations for consultation on 18 June. A response from the Joint Implementation Team to the draft regulations is expected to be submitted by the deadline for responses of Wednesday 2 July. The final regulations are likely to be published very shortly and are expected to take effect immediately.
- 5.2 In essence, the draft regulations propose that in areas affected by Local Government Reorganisation, 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, which will continue to be undertaken by existing District Councils). The County Council will continue to have responsibility for waste and minerals planning. Predecessor councils, such as Teesdale, will be consulted on, and receive copies of, relevant documents that are produced up to vesting day.

- 5.3 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. 30 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 Statements of Community Involvement of predecessor councils, until a new unitary-wide Statement of Community Involvement is adopted.

6.0 BENEFITS OF EARLY INTEGRATION

- 6.1 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 Regional Spatial Strategy review of housing.
 - Enabling early consideration and alignment of strategic economic, transport and housing policy, and collective alignment of evidence-gathering and research.
 - The provision for continuity and momentum in Development Planning activity, which is currently 'stalling' in some authorities.

7.0 RESOURCES / MANAGEMENT / STRUCTURE

- 7.1 Facilitation of early integration will require further consideration of the resource, management / supervisory and operational implications, and the need to continue 'other' strategic 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.
- 7.2 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.
- 7.3 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.

Resources Specific to Teesdale

- 7.4 There are two full time posts and one part-time post in Teesdale's Strategic Planning team. The Strategic Planning Manager (full time), who has overall responsibility for the production of the Council's Local Development Framework, and also has wider managerial responsibilities relating to Sustainable Environment Officer and Conservation Officer staff and involvement in non-Local Development Framework areas such as the Barnard Castle Vision and the Strategic Planning team budgetary control.
- 7.5 There are two Planning Policy Officer posts within the Strategic Planning team. One post is full-time, with the officer in post a graduate working towards a Planning Masters (a two year course of which one year remains) and therefore requiring day release to attend university one day a week. The other post is part-time, with the officer in post working two days a week in the office and one morning a week from home. Again most of the work carried out by these members of staff is currently non-Local Development Framework, but is supporting evidence base documents, as described in paragraph 9.2.
- 7.6 There is a newly created post of Planning Technician, which is split between Strategic Planning and Development Control. Administrative support is provided from a joint resource, which serves the whole of the Regeneration Directorate.

8.0 DESCRIPTION OF FUNCTIONS

- 8.1 The first task of the new interim team structure would be the production of the new Local Development Scheme by 30 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.
- 8.2 Other duties of the Interim Team are likely to include the following but will be dependent on the priorities identified by the new Unitary Authority Members:
- Production of a 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 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.
- Development of comprehensive monitoring systems and facilitating the transfer of data to single system.

8.3 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 new authority;
- day-to-day strategic planning enquiries; and
- district based monitoring and facilitating the transfer of data to single system.

8.4 Strategic Planning Managers will continue to manage the other non-planning staff within their teams (for Teesdale this means the Sustainable Environment Officer and the Conservation Officer) until their future within the new unitary authority has been agreed.

8.5 In exploring the opportunity to integrate strategic 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.

9.0 IMPACTS OF EARLY INTEGRATION

9.1 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 (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;
- 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 Strategic 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 Teesdale

- 9.2 District based Local Development Framework work effectively ceased in Teesdale with the end of the consultation period on the Core Strategy Issues and Options and the Affordable Housing Supplementary Planning Document in December 2007, although some work has continued on analysing representations received on those documents this year. Work focuses on evidence base documents such as the Strategic Housing Land Availability Assessment (which is being produced on a county-wide level) a Retail Study, Open Space Audit, Conservation Area Character Appraisals and input into the Barnard Castle Vision. The creation of an Interim Team may require the Strategic Planning Manager and / or Strategic Planning officers to be based with the other Development Plan team and personnel for an, as yet undetermined, amount of time at a central location, also yet to be determined.
- 9.3 A balance will have to be established in terms of the resourcing the joint planning strategy team and Teesdale specific work.

10.0 CONCLUSIONS

- 10.1 It is clear that early integration of Local Development Framework activity will ensure best use of resources and enable work on the single Local Development Framework for County Durham to progress as quickly as possible. The Department for Communities and Local Government also favour the initiation of early integration and feel that this can be legally undertaken. The benefits of the proposal are also clear.
- 10.2 Given the content of the Draft Regulations published by the Department for Communities and Local Government and the urgency and number of tasks to be undertaken by the new integrated Interim Team it is proposed that arrangements should be in put in place immediately.

11.0 STATUTORY CONSIDERATIONS

11.1 Financial Implications: Possible impact on Planning Delivery Grant and contribution (to be determined) associated with appointment of interim manager.

11.2 Risk:

Risk	Category	Implications
Teesdale District Council do not engage with early integration	Legal / reputational / service delivery	Teesdale do not comply with the legalities of regulations and the district is disadvantaged through none participation.

11.3 Equality and Diversity:

None

11.4 Human Resources:

Implications associated with transfer of staff.

11.5 Community Safety:

None

11.6 Legal Issues:

The Local Development Scheme is prepared under the provisions of the Planning and Compulsory Purchase Act 2004.

The Department for Communities and Local Government published the Draft Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008 – Town and County Planning, for consultation on 18 June.

Background Papers: None

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