

TEESDALE DISTRICT COUNCIL

Report To: Executive Committee
1st December 2008

From: Lead Members for Development Plan, Councillor Ossie Hedley
and for Regeneration, Councillor Jo Fergus

Ward Members: All

Subject: County Durham Local Development Framework: Local
Development Scheme

1.0 SUMMARY

- 1.1 All Local Planning Authorities have a statutory requirement placed upon them to prepare and maintain an up to date development plan for their area. The Development Plan comprises the Regional Spatial Strategy (RSS) and Local Development Frameworks.
- 1.2 The draft Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008 published on 18 June 2008, proposed that the Implementation Executive leading the transition to unitary status will become the local planning authority in relation to the Local Development Framework upon enactment. It is expected that enactment will take place on 28th November 2008. Implementation Executive approval will enable the Local Development Scheme to be submitted to Government Office North East, prior to the 31st December deadline for submission. The full LDS document is available in the Members' Room.

2.0 RECOMMENDATION

- 2.1 That Members receive the Local Development Scheme for information, to enable submission to the Government by Durham County Council (under the Local Government Review Transitional arrangements) by the 31st December 2008 deadline.

3.0 BACKGROUND

- 3.1 The Local Development Framework comprises a folder of documents that together make up the development strategy for an area. These documents are known as Local Development Documents comprising Development Plan Documents and Supplementary Planning Documents and will allocate sites for development, set out criteria for determining planning applications and set out how the Community and Corporate Plans and other strategies including, the South and East Durham Growth Point, will be implemented through local spatial planning, including waste and minerals. The Local Development Framework can also include Area Action Plans that are used in specific areas of significant change or conservation.

- 3.2 The Local Development Scheme sets out which Development Plan Documents and Supplementary Planning Documents are to be prepared and the timetable for doing so including key milestones and targets.
- 3.3 Local Development Frameworks are spatial documents that are required to deliver local priorities as set out in the Sustainable Community Strategy through facilitating and delivering development. There is therefore a requirement to draw the two processes together.

4.0 CURRENT POSITION

- 4.1 None of the key components of Local Development Framework production, by either District or County, 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 Local Development Framework (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.
- 4.2 The planning system made provision for existing policy documents to be 'saved,' so that they remained a material consideration in the determination of planning applications and safeguard against a 'policy vacuum'. Specific policies in all of the Local Plans that were still appropriate and conformed with current national and regional policy have been saved indefinitely until they are replaced by new Local Development Framework policies.
- 4.3 In response to the July 2007 Housing Green Paper, the Durham Housing and Neighbourhoods Partnership, prepared and submitted a New Growth Point Bid for the area covering South and East Durham. Based along both the A19 and Bishop Auckland-Darlington Economic Corridors, the Durham Growth Point seeks to deliver accelerated housing and employment growth, in order to address economic and regeneration needs within these communities. In East Durham proposals focus on the two main towns of Seaham and Peterlee, whilst in South Durham the triangle of towns comprising Newton Aycliffe, Bishop Auckland and Spennymoor are the primary focus. The proposals deliver growth through a number of mixed use strategic sites and the implementation of town centre regeneration schemes, together with housing market renewal in the priority settlements of Peterlee, Coundon, Ferryhill and Chilton. These will be delivered alongside a number of planned improvements in both transport and community infrastructure within these localities.
- 4.4 An announcement in July 2008 confirmed that the Bid had been successful. Notwithstanding this, the proposals as set out in the Bid still need to be tested through the Local Development Framework process. It will therefore be essential to reflect the policy platform required to enable the timely delivery of the Growth Point within the Local Development Documents proposed in this Local Development Scheme and the Growth Point is therefore fundamental to the content of the County Durham Local Development Framework.

5.0 PROPOSED CONTENT OF THE LOCAL DEVELOPMENT SCHEME

5.1 It is proposed that the first Local Development Scheme includes milestones for the following documents:

- **The Core Strategy** - contains the overarching strategy for future development of the County, including minerals and waste, to which all subsequent planning documents must conform. The Core Strategy will cover the period up to 2026. It will include a vision and strategic objectives, a spatial strategy, core policies, strategic development sites and a framework for monitoring and implementation.
- **The Growth Point Area Action Plans** - will be separate but co-ordinated Area Action Plans covering Central and Eastern Bishop Auckland, Peterlee and Spennymoor. Although three separate Development Plan Documents they will be closely co-ordinated and run parallel to the timelines for the Core Strategy.
- **Design and Sustainability Supplementary Planning Document** – will provide guidance on how new development should be designed and constructed. This will help achieve high design standards to reflect the aims and ambitions of national advice and guidance and local aims and objectives. It is also intended to address some of the causes of climate change.

5.2 Given uncertainty over Local Government Review it is difficult to know exactly what staff and monetary resources will be available to the new County Durham Development Plans Team. It is therefore necessary to prioritise those Local Development Documents that are clearly vital to spatial planning in the County or where resources have already been committed. However there are other Local Development Documents that will be produced when the time and resources are available and others, which may be produced if it becomes clear that they are required. These are listed below:

- Minerals and Waste Policies and Allocations Development Plan Document
- Site Allocations Development Plan Document
- The Stanley Town Centre Area Action Plan
- The Durham City Centre Area Action Plan
- The Barnard Castle Town Centre Area Action Plan
- The Chester-le-Street Area Action Plan
- Affordable Housing Supplementary Planning Document
- CIL/Planning Contributions Supplementary Planning Document
- Green Infrastructure Supplementary Planning Document

6.0 ALTERNATIVE APPROACHES TO THE CONTENT OF THE LOCAL DEVELOPMENT SCHEME

6.1 The content of the Local Development Scheme outlined above is the preferred approach recommended by the Planning Workstream. There are however certain instances where alternative approaches could be used and it will be for Members to decide whether those alternatives would be more appropriate.

6.2 One or Two Core Strategies ?

It is possible to have two Core Strategies, one covering only strategic minerals and waste issues and the other all other strategic issues. The advantages of this approach are:

- **Scale and complexity of issues** - provision of minerals is a significant challenge raising complex planning issues. A separate Core Strategy would help maintain the profile of minerals and waste.
- **Corporate priorities** – the Waste agenda facing the new authority is substantial and is one of Durham County Council's current priorities.
- **Building on existing achievements** – a significant amount of work already undertaken on the minerals and waste development framework including a separate evidence base which should be built on.
- **Local distinctiveness** – a separate Core Strategy may allow minerals and waste issues to better reflect local circumstances and be locally distinctive. Co Durham is geologically complex.
- **Retention of skills** - minerals and waste planning requires specialist knowledge and a detailed understanding of a separate body of policy and guidance. Preparing a separate Core Strategy will help to retain and develop skills and experience in this specialist area of planning and would allow easier management of stream of advice and guidance on minerals and waste.
- **Risk of delay** – the complexity of minerals and waste issues may lead to delays, if there are two Core Strategies then this would not delay the entire document.

Many of the advantages outlined above could be addressed if there is only one Core Strategy by ensuring that Minerals and Waste issues are not seen as secondary and are given the in-depth treatment that they deserve. In terms of delays this is true but can equally apply to any complex issue addressed by the Core Strategy such as affordable housing or infrastructure. The advantages of producing one Core Strategies are:

- **A streamlined process** – producing one core strategy would allow more co-ordination of effort including one consultation process and only one Examination in Public. This will reduce costs significantly and save staff time.
- **Less duplication and need for cross-referencing** – two core strategies would inevitably lead to duplication of content, including some policies, the need to cross reference between the two documents and possible inconsistencies. One Core Strategy avoids all of these difficulties.
- **Less confusion** – two core strategies with similar spatial strategies and objectives will likely cause confusion in the wider community.

6.4 Growth Point Area Action Plans or inclusion in the Core Strategy ?

Instead of having the three Area Action Plans for the Growth Point at Bishop Auckland, Peterlee and Spennymoor and alternative approach would be to identify all Growth Point sites as Strategic and therefore include them in the Core Strategy. The detail of site delivery would then be dealt with in subsequent Supplementary Planning Documents. The advantages of this approach are:

- **More Streamlined** – there is no need for separate consultation processes and Examination in Publics, which saves financial and staff resources.
- **Integration with Core Strategy** – makes clear that the Growth Point is a major priority of the Council.

Although inclusion of the Growth Point sites within the Core Strategy would streamline process the Core Strategy will still give the strategic context for the

Growth Point and having three separate Area Action Plans would give the following advantages:

- **More detail on delivery can be included** – the Core Strategy/Supplementary Planning Document Approach would not give the detail on site delivery early enough to enable compliance with the Growth Point Programme of Delivery submitted to the Government.
- **Recognises the importance of the Growth point** – sends a message to the Government that we are serious in putting in place the planning framework to deliver the Growth Point.
- **More appropriate to scale of some of the development sites** – some of the sites within the Growth Point could not really be described as ‘strategic’ and the use of Area Action Plans would therefore be more appropriate.

6.5 The full Local Development Scheme document is available in the Members Room.

7.0 POLITICAL MANAGEMENT

7.1 The suggested procedure for political management of the Local Development Framework by Durham County Council is set out below. This will need the agreement of senior politicians.

Development Plan Documents:

- Full Council Resolution required for Adoption (Reg 36) stage.
- Cabinet Resolution required at Publication (Reg 27) and Submission (Reg 30) stages and to consider document before Adoption (Reg 36) stage.
- Central and Area Planning Committees and Overview and Scrutiny Panel to consider document before publication (Reg 27) and Submission (Reg 30).

Supplementary Planning Documents:

- Cabinet to approve Draft for consultation.
- Full Council Resolution required for Adoption stage.
- Cabinet to consider document before Adoption.
- Overview and Scrutiny Panel and Central and Area Planning Committees given opportunity to comment at Draft stage.

8.0 RESOURCES

8.1 Due to Local Government Review it is very difficult to calculate the resources available to prepare the new Local Development Framework. There are currently a total of 34 posts (including 4 part-time, 32.3 Full Time Equivalent) employed by local authorities in Development Plans Teams within County Durham, including those dealing with Minerals and Waste Planning. It is expected that all of the posts listed above will transfer to the Planning Division of the new authority following Vesting Day in April 2009 including those posts already employed by the County on Minerals and Waste Planning. Currently 8 of the 34 posts are vacant and it is unclear whether these will be filled.

8.2 In addition to the Development Plans teams there are also two Sustainability Appraisal posts based at Sedgefield (employed jointly with Teesdale and Wear Valley) and a further two staff based at the County Council in the Environment Team. At present three of these posts are vacant and all are fixed term contracts

that run until April 2009 and are currently funded by Housing and Planning Delivery Grant. As progress on the Local Development Framework is reliant upon sustainability appraisal work been undertaken in parallel to, and informing, the work of planning officers it is essential that permanent Sustainability Appraisal jobs are included within the establishment of the new authority and that filling these posts is a priority.

9.0 NEXT STEPS

- 9.1 When approved, the Local Development Scheme will be submitted to the Government Office for the North East (by the 31st December 2008 deadline). The Local Development Scheme will then be used by Durham County Council, through its Annual Monitoring Report, and by the Department of Communities and Local Government (for the purposes of calculating Housing and Planning Delivery Grant) to monitor the progress of the preparation of the Local Development Framework. If it becomes clear that milestones will not be met or that further Local Development Documents need to be produced then the Local Development Scheme will be reviewed.

10.0 STATUTORY CONSIDERATIONS

- 10.1 Financial Implications: None
- 10.2 Risk: The LDS timetables arrangements for the delivery of Local Development Frameworks; it carries no risk, provided that the local authority meets its obligations to prepare and maintain an up-to-date development plan for their area (which includes the Regional Spatial Strategy and Local Development Frameworks).
- 10.3 Equality & Diversity: None
- 10.4 Human Resources: None
- 10.5 Community Safety: None
- 10.6 Legal Issues: The LDS is required to satisfy the requirements of the 2004 Planning & Compulsory Purchase Act.

Background Papers:

None

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