

**Cabinet**

**20 November 2008**



**County Durham Local  
Development Framework: Local  
Development Scheme**

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**Report of John Richardson, Corporate Director Environment  
(Cabinet Portfolio Holders Councillor Neil Foster  
Councillor Bob Young)**

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**Purpose of the Report**

1. This report seeks Members' agreement to the Local Development Scheme for the new County Durham Local Development Framework. The Council is required to submit an agree Local Development Scheme to the Government before the 31<sup>st</sup> December 2008. The full document is attached to this report and a copy is available in the Members' Resource Centre.

**Background**

2. 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 and Local Development Frameworks.
3. 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. Although not enacted at the time of writing this is expected to have taken place by the date of this meeting. If enactment has not happened then it is expected that the Government will give the Council extra time to adopt the Local Development Scheme and therefore this report will need to be deferred until a Cabinet Meeting after enactment. The Local Development Scheme has also been put on the agenda for each of Districts' Cabinets and Executives in December for information.
4. 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.

5. 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.
6. 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.

### **Current Position**

7. 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.
8. The planning system made provision for existing policy documents to be 'saved,' so that they remain part of the statutory development plan and continue to be used in the determination of planning applications, safeguarding 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.
9. 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.

10. 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.

### **Content of the Local Development Scheme**

11. 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 timeline for the Core Strategy until the Examination stage when they will be staggered by a month to ensure that the Core Strategy is likely to be found sound.
  - **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.
12. 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

- Consett Area Action Plan
- Newton Aycliffe 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

### **Political Management**

13. The suggested procedure for political management of the Local Development Framework is set out below:
- 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.

### **Resources**

14. 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.
15. 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.

### **Next Steps**

16. Once the content of the Local Development Scheme has been agreed it will be submitted to the Government Office for the North East by the 31<sup>st</sup> December 2008 deadline. It should be noted that Government Office has been involved in the drafting of the Local Development Scheme and have expressed support for its contents.
17. The Local Development Scheme will be used by the 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.

### **Recommendation**

It is recommended that Members agree the content of the Local Development Scheme for submission to the Government by the 31<sup>st</sup> December 2008 deadline.

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## **Appendix 1: Implications**

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### **Local Government Reorganisation**

#### **(Does the decision impact upon a future Unitary Council?)**

The LDS is a project management tool for the production of a LDF for the new County Durham unitary authority.

#### **Finance**

In terms of financial resources to undertake evidence gathering, consultation and printing, budgets have not yet been set and there is currently no indication of what might be available although a very rough estimate of the cost of pulling together the evidence gathered by the eight existing authorities and filling the gaps is in the region of £800000. It should however be noted that County Durham's constituent authorities received £846,354 in Housing and Planning Delivery Grant for planning performance and successfully delivering new housing. In order to secure further Grant in the future, performance on LDF documents must be timely and in accordance with the milestones in this LDS.

#### **Staffing**

See paragraphs 14 and 15 in the main report.

#### **Equality and Diversity**

Equality and Diversity will be built into the LDF preparation process, particularly through the methods used for consultation.

#### **Accommodation**

None.

#### **Crime and disorder**

None.

#### **Sustainability**

Sustainability Appraisal is a statutory part of the LDF preparation process and will inform all of its policies and proposals.

#### **Human rights**

None.

#### **Localities and Rurality**

The needs and aspirations of all areas of the County including rural areas will be considered as part of the preparation of the LDF.

### **Young people**

The views of young people will be extremely important and appropriate techniques will be used to ensure their involvement in the LDF preparation process.

### **Consultation**

Wide ranging and comprehensive consultation is essential to ensure the soundness of all documents in the LDF. Full details of how the County's communities and other stakeholders will be involved in LDF preparation will be given in the Council's new Statement of Community Involvement due to be prepared in 2009. Until then the provisions of the Town and Country Planning (Local Development) (England) Regulations 2004 as amended, will be used.

### **Health**

None.