
**NEW LOCAL PLAN: PROCESS, TIMESCALES AND
STRATEGIC ISSUES AND OPTIONS**

**Responsible Cabinet Member – Councillor Chris McEwan,
Economy and Regeneration Portfolio**

Responsible Director – Ian Williams, Director of Economic Growth

SUMMARY REPORT

Purpose of the Report

1. The report sets out, for Members approval, the process and timescales for producing the new Local Plan (including the Local Development Scheme and draft Statement of Community Involvement), highlighting the associated challenges and risks.
2. It also introduces draft Strategic Issues and Options which Members are asked to endorse as the basis of consultation and community engagement.

Summary

3. In November 2015 Cabinet agreed that work be halted on the Local Plan Making and Growing Places DPD (Min. Ref. 3/11/15 C70 (2)) and that work should begin on a new Local Plan as soon as practicable. As a first step, the Council needs to formally withdraw the MGP DPD from the public domain.
4. In the absence of the MGP policies, in the period before the new plan is adopted, an Interim Planning Position Statement has been produced to provide guidance to developers on the local interpretation of National Planning Policy. This Statement appears elsewhere on the agenda.
5. An up-to-date Plan is essential to meeting the development needs of the Borough and the Council remaining in control of development. The new Local Plan will cover the period 2016 to 2036. The ambition is to prepare a Local Plan to be submitted for inspection in 2 years (with adoption likely to take another 1 year). To achieve this target, a more streamlined approach is required, that meets the statutory regulations and will be found sound at examination. Innovative approaches to stakeholder engagement will be investigated, use of master planning for strategic

allocations, and concise documentation should all help with the challenging timescale.

6. A Local Development Scheme 2016-2019, setting out the programme for the Local Plan preparation has been produced (**Appendix 1**). A draft revised Statement of Community Involvement (SCI) is attached (**Appendix 2**), explaining how and when people, groups and organisations can get involved in the plan-making process. A Housing Requirement Technical Paper (**Appendix 3**) explains the methodology which translates the housing need figure into an annual requirement and will ultimately inform the housing site allocations in the new Local Plan.
7. As part of, a 'Big Debate' about the future development of the Borough over the next 20 years, draft Strategic Issues and Options will be consulted on over the summer (**Appendix 4**). This report sets out early thoughts on the opportunities and constraints around meeting the housing requirements for the Borough, which would form a starting point for stakeholder engagement.

Recommendations

8. It is recommended that Cabinet:-
 - (a) Recommend to Council that the attached updated Local Development Scheme (2016-19) (**Appendix 1**) be agreed and take effect from 13 May 2016
 - (b) Approve the attached Draft Statement of Community Involvement (**Appendix 2**) as a basis for consultation with delegated authority given to officers to pursue the matters referred to in the Document, including the formulation of Engagement Plans and filtering of key issue representations for member consideration, and that the Director of Economic Growth, in agreement with the portfolio holder, is authorised to make amendments to the SCI following the consultation prior to adoption.
 - (c) Approve the Strategic Issues and Options Paper (**Appendix 4**) as a basis for consultation.

Reasons

9. The recommendations are supported by the following reasons:-
 - (a) The Council is required to have an up to date Local Development Scheme (Planning & Compulsory Purchase Act 2004, as amended by Section 111, Localism Act 2011).
 - (b) The Council is required to have an up to date Statement of Community Involvement (Planning & Compulsory Purchase Act 2004, Section 15, as amended by Section 111, Localism Act 2011).
 - (c) Regulation 18 (The Town and Country Planning (Local Planning) (England) Regulations 2012) requires the Council to outline the Strategic Issues and options to be covered within the Local Plan, and make them available to key stakeholders for comment.

Ian Williams
Director of Economic Growth

Background Papers

- i. National Planning Policy Framework, CLG March 2012
- ii. Planning & Compulsory Purchase Act 2004.
- iii. Localism Act 2011.

Steve Petch 6476

S17 Crime and Disorder	The Local Plan has a role in reducing crime through the design and location of development.
Health and Well Being	A key objective of Local Plan policies will be to improve people's health and wellbeing by protecting and improving the economic, social and environmental conditions in the Borough.
Carbon Impact	A Sustainability Appraisal will be carried out on the strategic issues and options. Achieving sustainable development will be a fundamental objective of the Local Plan.
Diversity	An Equalities Impact Assessment will be part of the local plan preparation process
Wards Affected	All
Groups Affected	All
Budget and Policy Framework	The Local Plan will be prepared using existing budgets and will ultimately form part of the Council's Planning Policy Framework.
Key Decision	Yes
Urgent Decision	No
One Darlington: Perfectly Placed	The Local Plan will represent the spatial implications of the overarching aims of One Darlington: Perfectly Placed.
Efficiency	The proposed Local Development Scheme represents the most efficient way to produce the Local Plan having regard to the legislative and engagement requirements.

MAIN REPORT

Background

10. In November 2015, Cabinet agreed that work be halted on the Local Plan Making and Growing Places Development Plan Document (MGP DPD) and that a new local plan be prepared instead. Regulations require the Council to formally withdraw MGP as soon as reasonably practicable subject to Cabinet agreement. A notice of withdrawal will be published followed by a six week period for legal challenge before the plan can be formally withdrawn. At that point all material relating to the document, such as the Preferred Options document and consultation responses will be removed from the public domain. The council will still retain this information, and the extensive evidence base supporting it, and where appropriate, use it to inform the preparation of the new Local Plan.
11. In the absence of the MGP policies, in the period before the new plan is adopted, an Interim Planning Position Statement has been produced to provide guidance to developers on the local interpretation of National Planning Policy. This Statement appears elsewhere on the agenda.
12. The Plan-led system remains a core principle of the National Planning Policy Framework. Central government is placing increasing emphasis on the need for council's to have adopted Local Plans in place (a deadline of 2017 will be set), to guide and promote future development, particularly housing. If the deadline is missed, consideration will be given to whether to 'designate' the Council and formally intervene in the process.
13. There is also a recognition nationally that local plans are complex and can take a number of years to complete. An independent Panel was set up to review current processes with a view to establishing a more streamlined approach. The Panel has recently reported its findings and recommendations (still subject to a response from Government) which, in many ways are mirrored by the approach set out in this report.

Preparing a New Local plan

14. A successful Local Plan will help create the conditions to deliver the following outcomes for Darlington:
 - (a) Well planned, high quality, sustainable places
 - (b) Inclusive and accessible places, to serve all needs and communities
 - (c) An attractive place to live, visit and invest
 - (d) Economic growth, new jobs and prosperity
 - (e) A vibrant town centre with strong retail, leisure and commercial sectors
 - (f) Celebrate and protect Darlington's heritage assets and key open spaces
 - (g) Integrated strategic social and physical infrastructure, phased to meet the needs of new development
 - (h) Increased resilience to climate change
 - (i) Greater certainty for residents, investors and stakeholders

15. Past delays to preparing the Making and Growing Places DPD were both systemic and specific. Learning from the past and anticipating the governments wish to streamline the process, we will aim to prepare a Local Plan to be submitted for inspection in 2 years (with adoption likely to take another 1 year). We want to finish with a fully- justified, effective and positively prepared plan that will deliver our vision and objectives. It should be based on a planning argument so good we have understanding and support from the local community, statutory agencies, landowners, developers and other stakeholders. Crucially, it must be a plan that is deliverable.
16. With such ambitious timescales, streamlining the process will not be without challenges and risks. However, Members will be aware that the Making and Growing Places DPD was based on a large amount of evidence and it is anticipated that much of that work will remain relevant for the new plan and therefore help speed the preparation. Provisional thoughts on a more streamlined process include a 'Big Debate' with stakeholders over the summer (as part of the statutory consultation process) to establish strategic issues and options. This will form the foundation for a master planning approach - engaging developers and challenging them to demonstrate delivery on sustainable sites.
17. Experience of previous plan preparation suggests there is a need to develop a communications strategy that feels less like a traditional planning consultation and can provide:
 - (a) An engaging identity for the Local Plan;
 - (b) A detailed topic and area focused intervention with key stakeholders;
 - (c) Improved information delivered, primarily online;
 - (d) More regular updates; and
 - (e) Slimmed down documents
18. Thus, there is scope to shorten the process, but some elements are fixed by regulations such as Sustainability Appraisal, Infrastructure Delivery Plans, Habitat Regulations etc. Officers will be checking the regulations to understand how much detail is required to meet the statutory requirements and ensure the plan remains sound.
19. Again previous experience has shown the Council's own internal reporting mechanisms, through both senior management and Members, can complicate, and potentially lengthen, the plan preparation process. For example, it is not unusual to have to prepare a Cabinet report a couple of months in advance of a meeting. Also, in the past, the manner in which consultation responses have been recorded and reported to Scrutiny Committee (i.e. each individual representation is summarised, considered and a response provided) after each key stage of the plan adds weeks, if not months to the timescales. In future, although all consultation responses will be acknowledged, and the key issues will be reported to Scrutiny, it is not intended to provide details on an individual level. Importantly Officers will, through their reports, bring to Members attention for consideration the key points and issues that need to be aired in the decision making process.

20. As elected representatives of local communities, Members have an important role to play in the development of, and engagement around, the emerging Local Plan. Previously Members have largely been engaged through briefings leading up to milestone consultations or as part of Place Scrutiny Meetings. This has often meant long gaps between information and a consequent loss of continuity / ownership. Going forward, it is proposed to involve Members on a more continuous basis.

Early Work

21. Since the decision by Cabinet last November to start a new Local plan, Officers have been involved in a range of actions to understand and inform the potential for a more streamlined process and to begin to identify strategic development options.
22. Given the scale of the housing requirement to 2036 a major role for the Local Plan will be to identify a sufficient supply of sustainable development locations. Identifying strategic Issues and Options is the first part of this process. Initial consideration of opportunities and constraints within the Borough has been carried out through cross-departmental internal workshops, with input from the Planning Advisory Service (PAS) and the Housing and Communities Agency (HCA).
23. In January over 50 stakeholders from the development industry met to explore the key issues for developing sustainably in Darlington over the next 20 years and beyond. Attendees were asked to participate in workshops exploring ideas around plan making, housing and place making in Darlington with fellow professionals, facilitated by local and national experts. Stakeholders who believed they could deliver sustainable housing development in either the short or long term were encouraged to contact the Council to discuss their proposals being included in the Council's housing land supply and considered through the Local Plan process. Stakeholders were also encouraged to consider engaging in master planning wider sites where appropriate to produce more sustainable development overall.
24. As explained above (see paragraph 11) an Interim Planning Position Statement has been produced to help interpret NPPF at a local level and provide guidance to developers while the new Local Plan is being prepared. Officers have also had meetings with the Association of Parish Councils to explain the implications of this, and discuss how they can get involved in the Local Plan process.
25. On process, officers have been investigating possible ways of streamlining the preparation of the new Local Plan, whilst still meeting the statutory regulations. For example, as part of a wider Rapid Improvement Event, aimed at achieving service improvements and efficiencies across the broader Planning Services functions, process mapping of the Local Plan identified various potential time saving ideas, worthy of further consideration.
26. Officers have met with adjacent authorities, to share information and best practice on Local Plan preparation. These contacts will be ongoing throughout the process

and will form an important element of the Councils Duty to Co-operate on strategic cross-boundary issues.

27. Master planning has been identified as a potential useful tool for quality place-making on a strategic level. Examples from other areas have shown they can be developed alongside the Local Plan and ultimately provide useful detailed evidence on delivery at the Examination in Public. Initial discussions with developers on the principles, has revealed their willingness to consider contributing to such an approach. Furthermore, discussions with ATLAS, the HCA's strategic development support and advisory service, suggests Darlington could benefit from their expertise on master planning.
28. Key to the success of the Local Plan process will be the quality of the stakeholder engagement. Officers have had discussions with the Council's Communications Team with a view to developing a communication strategy, which will ultimately link into the Statement of Community Involvement. The creation of a bespoke 'Local Plan' website and greater use of online information and social media will be investigated further.
29. The early work summarised above, has informed the documents attached to this report and outlined below (LDS, SCI and SIO).

Local Development Scheme 2016 – 2019 (LDS)

30. The Local Development Scheme (LDS), attached at **Appendix 1**, is a statutory requirement. It sets out the planning policy documents that the Council will prepare over the next three years, when the key stages of preparation for each will be, the scope of each document, the resources available for, and risks to, their preparation. It will replace the existing LDS 2014-2017.
31. The focus over the next 2-3 years will be on producing the Local Plan itself. Work is also planned to revise the current Planning Obligations SPD and investigate the potential for introducing a Community Infrastructure Levy to help resource infrastructure requirements. The Design of New Development SPD will need to be revised to reflect changes to the Building Regulations, Code for Sustainable Homes, and Development Management amenity issues.
32. This report proposes that the LDS should take effect the day after the next meeting of Full Council.

Draft Statement of Community Involvement (SCI)

33. A revised Statement of Community Involvement is needed to reflect, among other things, changes to the plan making process, to respond to the introduction of neighbourhood planning, and in recognition of the greater reliance on electronic communication and information. The SCI will replace the 2010 version.

34. The draft SCI (**Appendix 2**) sets out how people and organisations can get involved in shaping the Local Plan. Specifically it explains how and when the Council will engage with people and communities. Thus, throughout the preparation of the Local Plan the Council will consult with individuals, local communities, interest groups, businesses and statutory bodies. The responses to these consultations will be reviewed by the Council and considered in full, informing the Local Plan as necessary, before a final version is submitted to the Planning Inspectorate for independent examination.
35. Members are recommended to endorse the Draft SCI as the basis for a 6 week consultation exercise and give delegated authority to the Director of Economic Growth to make any necessary amendments having considered representations received, and to subsequently adopt the Document.
36. In addition to the overarching principles set out in the SCI, before all key stages of a Local Development Document, officers will produce an Engagement Plan, setting out details of when and how we will consult/ engage throughout the process. This will ensure consideration is given to the most effective way of communicating the particular issue, and that the methods engaged are proportionate.
37. The nature of Engagement Plans will be determined depending on the nature of the issues, and those likely to be affected. For example, they could be area based if the particular issue concerns a specific site, or they could target a particular sector. Consultations plans will ensure that consultations always meet statutory requirements. Members are asked to grant delegated authority to officers to produce the Engagement Plans.
38. Consultations on the Strategic Issues and Options (SIO) should begin without delay and it is proposed that this discussion is conducted under the terms of the current SCI.

Regulation 18 – Strategic Issues and Options (SIO)

39. In developing a new local plan the Council will need to explore the key issues, challenges and opportunities facing the Borough over the proposed plan period 2016 – 2036. These challenges are aligned to the priorities set out in One Darlington Perfectly Placed and will include:
 - Supporting Economic Growth and Employment
 - Supporting Housing Growth
 - Protecting the Environment
 - Improving Transport
 - Creating Sustainable Places for People to Live and Work
40. Statutory consultation, in the form of a 'Big Debate', will be undertaken over the next few months on these themes, and it may be additional or revised themes are identified, in order to arrive at agreed Preferred Strategic Options to be reported back to Cabinet in the autumn.

41. Key to the 'Big Debate' will be how to plan for the housing needs of the Borough, over the period to 2036 (and potentially beyond). As endorsed by Cabinet in November 2016, 11,160 new homes will be needed in Darlington over a 25 year period (2011 to 2036), an average of 446 per annum.
42. In order to ensure the full objectively assessed need for market and affordable housing is met, it will be necessary to plan for more dwellings than are suggested by population projections alone to ensure sufficient new homes over the plan period. The Technical Paper at **Appendix 3** sets out the methodology for translating the housing need figure into a housing requirement figure. Thus, having considered a number of factors which the NPPF and NPPG identify as having potential to necessitate raising the housing requirement, it is considered that the need figure should be increased by 950 dwellings, around 38 per annum. This will ensure that the projected needs of over 75's living in residential institutions can be met through mainstream housing supply. This raises the total housing requirement between 2011 and 2036 to 12,110, an average of 484 per annum. It is recommended that this should be the initial target figure for planned housing in the new plan to 2036.
43. The Local Plan will also need to take into account that sufficient dwellings have not been delivered during the early years of the 2011-2036 period to meet the identified housing need. To ensure the need for market and affordable housing is met over the plan period, this shortfall will need to be added to the requirement over the later years. This aspect of the housing requirement will need to be updated in 'real time' as new developments come forward and/or developments do not come forward as expected.
44. These target figures are significantly higher than those included in the Council's Core Strategy and consequently, beyond the scope of the housing allocation sites included in the Making and Growing Places. The Strategic Issues and Options debate will need to consider where the additional housing growth can be accommodated. Some initial work (**Appendix 4**) has been undertaken to look at potential options taking into account key opportunities and constraints including flood risk, green infrastructure, transport and other infrastructure, areas of traffic congestion etc. As a result, seven broad options have presented themselves which would be a logical starting point to stimulate debate. These initial Strategic Development Options are:
 - (a) Northern Darlington
 - (b) Western Darlington
 - (c) Middleton St George
 - (d) Newton Aycliffe
 - (e) Create a new settlement within the rural area
 - (f) Extend existing villages
 - (g) Export an element of housing to neighbouring authorities
45. Plans showing the key constraints and initial options are included at **Appendix 5**. A combination of these options may be required to fulfil the housing requirement of the Borough and it may be through the consultation process additional options

present themselves. Equally some of the options above may be ruled out when more detailed assessment is undertaken.

46. More detailed debate will also be required on the issues and options surrounding the other key challenges detailed above (paragraph 39).
47. A Sustainability Appraisal of the Strategic Issues and Options will be carried out alongside the Issues & Options debate and, in assessing a range of alternatives, will ultimately help to inform the Preferred Strategic Options.
48. Cabinet approval is sought to consult on these matters over the summer, with a view to presenting a Preferred an Issues and Options document to Cabinet in the autumn.

Resource Implications

49. In order to produce a Local Plan, there are statutory procedures to be followed, detailed scrutiny of the proposals and there will also be strong community interest. It is a complex, demanding and time consuming process. The proposals in this report are recommended in order to provide a realistic and professional approach to plan-making, allowing for appropriate programme management and resources to reduce the risk of failure.
50. The Planning Policy Team, within the Economic Initiatives Division of the Economic Growth Directorate, leads the preparation of the Local Plan and other planning policy documents. Success in achieving the milestones set out in this report will depend on the amount of non-plan preparation work the team does, on the amount and timeliness of help from colleagues across the Council in specific policy areas, such as transport, housing and education, and on there being no further cuts to the staffing resources available for planning policy work.

Financial Implications

51. A consolidated budget has been established across the Economic Initiatives Division which covers the costs associated with Local Plan preparation (consultant's fees for evidence gathering, consultations and printing). Further evidence gathering and consultation work will give rise to a continuing need for resources for these activities. There will also be a need to carry out a Public Examination into the Local Plan in 2018 and £80,000 has been reserved for that within current budgets.