
**DARLINGTON LOCAL DEVELOPMENT FRAMEWORK:
LOCAL DEVELOPMENT SCHEME**

**Responsible Cabinet Member - Councillor David Lyonette,
Regeneration and Planning Portfolio**

Responsible Director - John Buxton, Director of Development and Environment

Purpose of Report

1. To reconsider the timetable for the preparation of the Local Development Framework Core Strategy, having regard to:
 - (a) the response to public consultation on the Preferred Options for the Core Strategy;
 - (b) progress of key areas of work outstanding at the time of public consultation; and
 - (c) emerging national and regional planning policy.
2. To consider and make recommendations for updating the Council's Local Development Scheme (LDS), a three year project plan for the production of the Local Development Framework (LDF) documents which will progressively replace the existing development plans for the Borough. The changes required in the Scheme are both to update the timetables in the existing Scheme and to introduce new documents.
3. To seek a resolution that should the Secretary of State confirm that she does not intend to intervene, the updating takes effect from the date of such confirmation.

Information and Analysis

The Existing Local Development Scheme

4. The Local Development Scheme is the document which the public can use to find out what the Council is proposing to do and when, in respect of preparation and updating of the Local Development Framework, and at what stage they can expect to be involved. It should look at least three years ahead, and must be submitted to the Secretary of State, through the local Government Office. It is used by them mainly to assist in the allocation of their own and Planning Inspectorate staff resources, although the Secretary of State does have powers to formally intervene. Content is therefore informally discussed with them before formal submission.
5. The Council's first Local Development Scheme came into effect on 10 May 2005, following consideration by Cabinet at its meeting on that date (Min C271(2)/May/05) and previously at its meeting on 18 January 2005 (Min C175(3)/Jan/05). It covered the three-year period 2005-2008 in detail, and outlined progress for the following two years. In

summary, it set the following key milestones:

- (a) submission to the Secretary of State of the Council's Statement of Community Involvement, which sets out how the Council will involve people before making decisions on development, in April 2005, and adoption in November 2005. All of the Statement of Community Involvement key milestones have been met, with the document being adopted by Council at its meeting on 17 November 2005 (Min C61/Nov/05);
 - (b) public participation on Preferred Options for the Core Strategy development plan document, which will replace the strategic policies in the Borough Local Plan, starting in October 2005, with submission to the Secretary of State in August 2006 and adoption in September 2007. All of the Core Strategy key milestones so far have also been met;
 - (c) consultation on draft supplementary planning documents covering residential design and buildings in the countryside in January 2006, planning obligations in September 2006, and housing type, mix and tenure in January 2007. These milestones have not been met.
 - (d) consultation on informal interim planning guidance on open land, in advance of incorporation into the relevant local development documents, in April 2006. This milestone has not been met.
 - (e) commencement of work on a Development Policies development plan document, which will translate the principles established in the Core Strategy into more detailed policies to guide development, following adoption of the Core Strategy;
 - (f) subsequent commencement of work on a Town Centre Area Action Plan development plan document, which will replace the existing Development Strategy for the Town Centre.
6. Full and summary versions of the Scheme can be viewed at, and downloaded from, the planning policy pages of the Council's website.
 7. The Secretary of State advises that Local Development Schemes should be kept up-to-date, and seeks resubmission if/when milestones involving the Planning Inspectorate need to be changed. Best Value performance targets incentivise delivery.

Progress on Implementation of the Scheme

8. Meeting milestones in the existing Scheme for the Statement of Community Involvement and the Core Strategy has been at the expense of progress in the preparation of the supplementary planning documents, interim planning guidance and other documents, with the key milestones of consultation missed and still to be met.
9. The additional resource requirements have emerged only as the complexities of the new planning system have become more apparent and as more detailed Government guidance emerges.

10. There is little prospect of imminent milestones being met, most importantly submission of the Core Strategy to the Secretary of State in August 2006. It is now necessary to submit an updated Local Development Scheme to the Secretary of State, and receive her clearance for it to be brought into effect, by the end of August 2006, to enable Best Value performance targets to continue to be met.

Review of the Scheme

11. Officers have undertaken a review of the matters to be considered when updating the existing scheme and have concluded that:
 - (a) further work on the Core Strategy is required, and possibly further consultation or reconsultation, before submission of the strategy to the Secretary of State;
 - (b) decisions on which consultation option to pursue are dependent in part on the outcome of this further work, in part on the content and timing of new government planning policy (particularly on housing) and any changes in emerging regional planning policy following the recent Regional Spatial Strategy Examination in Public, and in part on the emergence of a replacement for the existing Community Strategy;
 - (c) work on the supplementary planning document on housing type, mix and tenure should be brought forward as a matter of urgency, focussing on implementation of the Local Plan policies on affordable housing;
 - (d) preparation of the design and planning obligation supplementary planning documents should also continue to be given high priority, focusing on safety in design and a comprehensive approach to developer contributions respectively;
 - (e) one or more additional area action plan documents may be required following on from the recommendations of the current work on taking forward the Darlington Gateway Development Strategy, possibly to be progressed in advance of the Town Centre Area Action Plan;
 - (f) should a need to allocate sites for new housing development arise, a separate development plan document consequent to (b) above which could also cover other related housing matters might be required.
 - (g) consideration also needs to be given to how/if to incorporate an Airport Master Plan being prepared for Durham Tees Valley Airport pursuant to Department for Transport guidance;
 - (h) also to the preparation of other documents, including:
 - (i) guidance for the future use of land covered by existing allocations and safeguarding policies (eg Cross-Town Route) which the Secretary of State may not agree to being saved beyond September 2007; and
 - (ii) supplementary planning documents covering relevant parts of Parish Plans.
12. The updated scheme will also need to include the Minerals and Waste Development Plan Documents to be prepared jointly by the five Tees Valley authorities, details of which were

considered and agreed by Cabinet at its meeting on 6 June 2006.

Options for Updating the Scheme

13. The difficulty facing the Council is the need to balance the requirement to update the scheme by a specified deadline, to enable Best Value performance targets to continue to be met, with changes in the wider policy context anticipated in the coming months, some even before August. In the circumstances it is suggested that a draft revised scheme, based on the indicative timetable attached at **Appendix 1** be submitted to the Secretary of State in time to enable the initial deadline to be met.
14. As circumstances may change before the deadline, it is suggested that authorisation be given for the Director of Development and Environment to make amendments, in consultation with the Cabinet Member responsible for the Planning and Regeneration Portfolio. A further report would be submitted to Cabinet should further amendments be necessary, after August.

Outcome of Consultation

15. No consultation was required in the production of this report.

Legal Implications

16. This report has been considered by the Legal Services Manager for legal implications in accordance with the Council's approved procedures. There are no issues which the Legal Services Manager considers need to be brought to the specific attention of Members, other than those highlighted in the report.

Section 17 of the Crime and Disorder Act 1998

17. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. The prioritisation of a Supplementary Planning Document on Design of New Developments is to provide an opportunity to embed in policy best practice on using design to help combat crime and anti-social behaviour.

Council Policy Framework

18. The issues contained within this report do not represent change to Council policy or the Council's policy framework

Decision Deadline

19. For the purpose of the 'call-in' procedure a decision is required in time to enable the Secretary of State to give clearance by the end of August 2006, enabling Best Value targets to be met.

Key Decisions

20. In accordance with the Council's constitution this is classed as a Key Decision as it affects one or more Wards within the Borough.

Recommendation

21. It is recommended :-

- (a) that a draft updated Local Development Scheme, concentrating on the period 2006-2009, and based on the indicative timetable attached to this report, be formally submitted to the Government Office for the North-East in time for it be brought into effect before the end of August 2006;
- (b) that authorisation be given for the Director of Development and Environment to make amendments, in consultation with the Cabinet Member responsible for the Planning and Regeneration Portfolio, if required in response to changed circumstances; and
- (c) that all updates take effect upon confirmation that the Secretary of State does not intend to intervene.

Reasons

22. The recommendations are supported by the following reasons :-

- (a) the Council is required by statute to resolve to bring its local development scheme, and any update thereof, into effect on a specified date; and
- (b) consideration of, and decisions on, the matters covered is necessary at this stage to assist in bringing an updated scheme into effect by the end of August 2006.

John Buxton
Director of Development and Environment

Background Papers

None other than those referred to in this report

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