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

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

**Responsible Director - John Buxton, Director of Development and Environment**

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**Purpose of Report**

1. 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.
2. To reconsider the timetable for the preparation of the Local Development Framework Core Strategy, and consequential or other changes.
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 preparing and updating 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 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 current Local Development Scheme came into effect on 24 August 2006, following consideration by Cabinet at its meeting on 11 July 2006 (Min C27(4)/July/06). It covers the three year period 2006-2009 in detail, and outlines expected progress for the following two years. Full and summary versions of the Scheme can be viewed at, and downloaded from, the planning policy pages of the Council's website.
6. In summary, progress against the current Local Development Scheme includes the following key documents:
  - (a) the draft 'Affordable Housing' SPD has been produced and extensive consultation was undertaken in 2006, providing the basis for negotiations for affordable housing as part

- of new housing developments;
- (b) the draft Open Spaces Strategy and Playing Pitch Strategy have been produced providing the evidence base for this aspect of the LDF;
  - (c) The draft employment land review and draft Darlington Gateway Development Strategy are being prepared by consultants BDP which will contribute to the evidence base for the Darlington Gateway Area Action Plan;
  - (d) The draft Strategic Flood Risk Assessment, a joint document by the five Tees Valley authorities, has been prepared by JBA Consultants providing key evidence for the associated policies in the LDF.

### ***Review of the Scheme***

7. The Secretary of State advises that Local Development Schemes should be kept up-to-date and revised, if necessary, as a result of annual monitoring. But further to the Government's publication of new national planning guidance, in particular Planning Policy Statement 3 (PPS3): Housing, on the 6 December 2006, the Secretary of State recommended through the local Government Office that all Councils should reassess their current Local Development Schemes prior to the annual review to ensure that the revised Scheme is a 'realistic...definitive programme management document' which should only be departed from in exceptional circumstances.
8. Officers have undertaken a review of the matters to be considered when updating the existing Scheme and have concluded that:
  - (a) additional work on the Core Strategy is required involving further consultation to meet the requirements of government guidance, in particular addressing the issues raised in a letter on 11 August 2006 by the Department for Communities and Local Government, which highlights the need for all Councils to ensure that their Core Strategy should fully 'reflect current guidance' before submission of their strategy to the Secretary of State;

This letter was in response to a number of other Council's Core Strategy documents having been found to be 'unsound' at examination, resulting in significant additional work needing to be undertaken by the relevant Local Planning Authorities. Thus the detailed requirements of a Core Strategy are changing in response to Inspector's Reports after other Local Authority Core Strategy examinations. It is therefore prudent to revise the Core Strategy timetable to ensure that the key 'soundness' tests have been met and the complexities of the emerging guidance have been fully considered.

- (b) decisions on the scale and nature of further consultation are dependent in part on the outcome of this further work, any changes in the emerging Regional Spatial Strategy (which has been delayed at the Government Office for the North East) as well as any changes arising from the review of the existing Community Strategy;
- (c) work on the 'Design of New Development' Supplementary Planning Document, focusing on safety in design, will continue to be progressed and the 'Planning Obligations' Supplementary Planning Document should continue to be given high

priority, providing a comprehensive approach to developer contributions;

- (d) one or more additional Area Action Plan documents and/or development briefs may be required following on from the recommendations of the current work on taking forward the Darlington Gateway Development Strategy, to be progressed in advance of the Town Centre Area Action Plan.

### ***Updating the Scheme***

- 9. The Council needs to balance the requirement to update the Scheme, with the production of a Core Strategy that reflects the changes in the wider policy context, which also incorporates information gathered from the completion of new policy documents (e.g. draft Open Spaces Strategy and the draft Strategic Flood Risk Assessment) that form part of the Local Development Framework evidence base. Taking all of these issues into consideration it is necessary to submit an updated Local Development Scheme to the Secretary of State by 31 March 2007, which would cover the three year period from 2007-2010 in detail, with expected progress outlined for the following two years. It is anticipated that Planning Delivery Grant allocations and Best Value performance targets, or successor arrangements, will incentivise delivery of the Scheme. A summary, detailing the existing Scheme and the revised Scheme is **attached at Appendix 1**.

### **Outcome of Consultation**

- 10. No consultation was required in the production of this report.

### **Legal Implications**

- 11. This report has been considered by the Borough Solicitor for legal implications in accordance with the Council's approved procedures. There are no issues which the Borough Solicitor 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**

- 12. 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 Development is an opportunity to embed in policy best practice on using design to help combat crime and anti-social behaviour.

### **Council Policy Framework**

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

## **Decision Deadline**

14. For the purpose of the 'call-in' procedure a decision is required in time to enable the Local Development Scheme to be submitted by 31 March 2007 to the Government Office for the North East, enabling Planning Delivery Grant targets, Best Value targets or any successor grants to be met.

## **Key Decisions**

15. In accordance with the Council's constitution this is classed as a Key Decision as it affects all Wards within the Borough.

## **Recommendation**

16. It is recommended that :-
  - (a) that a draft updated Local Development Scheme, for the period 2007- 2010, and based on the indicative timetable attached to this report, be formally submitted to the Government Office for the North-East by 31 March 2007;
  - (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**

17. The recommendations are supported as the Council is required to submit its updated Local Development Scheme by 31 March 2007.

**John Buxton**  
**Director of Development and Environment**

## **Background Papers**

- (i) Letter dated 6 December 2006 from Government Office for the North East
- (ii) Letter dated 11 August 2006 from the Department for Communities and Local Government

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