

Darlington Local Development Framework: Saving of Existing Development Plan Policies

Review and Assessment

The National Situation

1. There is no provision, legislative or otherwise, for consultation or independent scrutiny as part of the extension of saving procedure. It is believed that this is because this would have been expected to have been covered already through consultation and independent scrutiny of the replacement documents.
2. However, the Government's expectation that the new system would be largely in place by September 2007 has proved to be optimistic. Nationally, no regional spatial strategies prepared entirely under the new arrangements have yet been approved, and no local development frameworks are fully in place or likely to be fully in place before the deadline. In respect of progress of local development framework preparation:
 - a) by the beginning of February only five local development framework core strategies, which set out the strategic planning framework for an area, had reached the Inspector's Report stage; and
 - b) the majority of these have been adjudged unsound, with work on them having to start again
3. Requests to extend the life of existing policies are therefore unlikely to be the exception, or have a background of consultation on and independent examination of replacement arrangements, as originally envisaged.
4. The Government's requirement for detailed justification in respect of every local plan policy is reconfirmed in a letter sent from local Government Offices to local planning authorities in December 2006.

The Existing and Emerging Development Plans for Darlington

5. The current strategic policy framework for Darlington is provided by
 - a) RPG1: Regional Planning Guidance for the North-East, which has acquired the status of regional spatial strategy under the new system; and
 - b) the Tees Valley Structure Plan, which has been adopted by each of the Tees Valley authorities.

Both will be replaced by new regional spatial strategy View: Shaping the North-East, previously considered by Cabinet (Min C67/Sept/05; Min C155 /Feb/06)

6. The final content and timing of this replacement will not be certain at the time of submission and possibly even when the policies automatically expire (it may not have reached the Proposed Modifications stage by 1 April 2007 and may not have been approved by 27 September 2007). The extent to which it meets the Council's concerns may therefore not be

known in time to properly inform its submissions.

7. The Borough of Darlington Local Plan continues to provide the main planning policy platform for the day-to-day consideration of development proposals. It will be replaced by various documents in the new Darlington Local Development Framework, although this is unlikely to be complete until 2010, as outlined in the report on the review of the Local Development Scheme elsewhere on this agenda.
8. The County Durham Waste Disposal Plan and Magnesian Limestone Escarpment (Minerals and Landscape Restoration) Local Plan, prepared and adopted by Durham County Council in the 1980s, are the only operative minerals and waste local plans. They have already been replaced in respect of the current County, to which they largely relate. Moreover, the latter plan only covers a single mineral in a small part of the Borough, which is not extracted (the more comprehensive County Durham Minerals Local Plan, prepared by Durham County Council in the 1990s, has not proceeded to adoption in respect of the Borough).
9. These plans will be replaced by the minerals and waste documents being prepared jointly by consultants Entec for the Tees Valley authorities, and which are expected to be adopted as part of the new Local Development Framework in 2010.
10. Links to the planning policy documents referred to above are available on the planning pages of the Council's website www.darlington.gov.uk/planning. Paper copies are available for inspection at the Town Hall.

Consideration of Justification for Continued Saving – Borough of Darlington Local Plan

11. Officers have undertaken a similar review in relation to Borough Local Plan policies, and have concluded that the Council will probably want to carry forward and incorporate most of these, in whole or in part, into the new Darlington Local Development Framework. They also anticipate that different policy elements are likely to be carried forward into different documents at different times.
12. Most policies have a specific local dimension, for example local application/interpretation of national or regional policy, or area/location specific allocations. Saving these is justified for this reason alone. Few policies could be allowed to completely lapse with any degree of safety (although even here there are complications in respect of detail). They include:
 - a) land allocations where development has been completed or substantially completed;
 - b) policies that are now completely inconsistent with/have been superseded by national policy or regional spatial strategy; and
 - c) policies that simply repeat national policy or regional spatial strategy.

These are summarised at **Appendix 1**

13. It is considered that continuation of existing arrangements, whereby local plan policies are read alongside more recent related higher level policies (eg national policy, regional spatial strategy) will, in the absence of properly indexed national and regional policy, be the most effective method of communicating planning policy for a locality. The Borough Local Plan is likely to remain by far the best initial point of reference, until replaced by local

development framework documents. Removal of policies would, with the exception of the few that are completely redundant, make user access more difficult, and possibly also result in significant policy voids.

14. Not least, there is the issue of lack of consultation or independent scrutiny. A preliminary assessment of how existing policies might be replaced has been included in the published Local Development Scheme but this has not been based on the 'protocol' or subject to consultation, and in any event cannot prejudice the final form of the replacement policies. This is also important in respect of Council proposals which might not now be implemented eg par three golf course, Darlington Railway Centre trackbed safeguarding, Cross-Town Route safeguarding, town centre collection/distribution centre.
15. By September 2007 the Core Strategy will be the only new policy component of the Local Development Framework that will have been subject of consultation. Even here, the policies will be subject to further refinement, consultation and independent examination before they achieve their final form.
16. In these circumstances, it is considered advisable that provision be made for saving the majority of policies until the new local development framework is substantially in place, currently not anticipated before 2010.

Consideration of Justification for Saving – Minerals and Waste Local Plans

17. The position with the Minerals and Waste Local Plans is different. These are now over twenty years old, and changes in Government policy, particularly for waste, have been more substantial than for the Borough Local Plan. Additionally all of the proposals have either been implemented, or are long-abandoned and therefore no longer relevant. View: Shaping the North-East should provide an up-to-date regional policy context.
18. In these circumstances officers consider that there is considerably less risk involved in allowing the documents to lapse in their entirety in advance of replacement Local Development Framework policies being adopted.

Consideration of Justification for Continued Saving – Tees Valley Structure Plan

19. Officers have considered the policies in the Tees Valley Structure Plan alongside Government policy, RPG1, View: Shaping the North-East (submission draft, and Examination in Public Panel Report), the Borough Local Plan, and the old the minerals and waste local plans. They have concluded that provided that the Secretary of State agrees to extend the saving of the bulk of the Borough Local Plan policies (see below), the structure plan policies could be allowed to largely lapse without leaving any significant policy voids in relation to the Borough. Tees Valley officers have agreed that a small number of strategic sub-regional policies, some of which do not directly affect Darlington, could usefully continue to be collectively saved. These include strategic transport infrastructure (in Darlington, safeguarding land for the Cross-Town Route and dualling of the A66(T) Darlington bypass).
20. These have been considered and agreed by the Tees Valley Joint Strategy Committee, at its meeting on 8 March 2007, and are set out at **Appendix 2**.