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

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

Responsible Director(s) - John Buxton, Director of Development and Environment

Purpose of Report

1. To consider and make recommendations in respect of the Council's first Local Development Scheme (LDS), a three year project plan for the production of Local Development Documents (LDDs) which will progressively replace the existing development plans for the Borough.

Summary

2. The report:
 - (a) provides an update on the introduction of the provisions of the Planning and Compulsory Purchase Act 2004 relating to development plans, and relevant new Government advice and guidance;
 - (b) summarises progress on the Statement of Community Involvement (SCI); outlines the requirements for, and function of, a Local Development Scheme;
 - (c) appends a recommended draft outline of the Local Development Documents to be prepared and a recommended draft programme for preparation;
 - (d) briefly summarises the background to and reasoning behind these suggestions.
3. It concludes by making recommendations that the recommended draft outline and draft programme be approved, and that the necessary action relating to submission to the Government Office for the North East be authorised

Information and Analysis

Previous Consideration

4. At its meeting on 21 September 2004 Cabinet resolved:
 - (a) that consultation on the Draft Darlington Borough Council Statement of Community Involvement, as appended to the submitted report, be amended as necessary to reflect final Government advice, and be undertaken as soon as possible after commencement

of the relevant provisions of the Planning and Compulsory Purchase Act 2004;

- (b) that the procedure/protocol for the role of Members in progressing the Replacement Local Plan, through initial consultation to formal deposit, be maintained in respect of the emerging Local Development Framework;
 - (c) that further reports be submitted to future meetings of Cabinet should there be any further changes in respect of the transition to the new development plan system.
5. Previously, at its meeting on 30 March 2004, it had resolved that a revised outline project plan and timetable, for the replacement of the Borough Local Plan, be submitted for consideration to a future meeting. This was not considered at the September meeting as the Government had advised local authorities to take time to absorb the then still forthcoming finalised guidance, before finalising and submitting their Local Development Scheme to their Government Office.

Current Position on Legislation, and Government Advice and Guidance since September 2004

6. As expected, the relevant Act provisions (Parts 1 and 2) and regulations came into force in the last week in September 2004. Local authorities must submit their first Local Development Scheme by 28 March 2005.
7. As at 16 December 2004, further planning policy statements (PPS) had been issued in respect of Regional Spatial Strategies (PPS11), Local Development Frameworks (PPS12), and Planning and Pollution Control (PPS23). The LDF preparation guide (PPS12 Companion Guide) was issued in October. Consultations had commenced in respect of Planning and Sustainable Waste Management (PPS10), Planning and Minerals (MPS1), and Planning Obligations (Draft Revised Circular). The report on consultation on planning applications, previously anticipated for October, had still to be issued.
8. Further guidance on the preparation of Local Development Scheme was issued in a letter from the Office of the Deputy Prime Minister (ODPM) on 26 November 2004. Key elements include:
- (a) there is no longer a requirement for a complete set of replacement documents by March 2007 (or any other date);
 - (b) instead local authorities should focus on preparing those documents which are critical to tackling the planning problems they face and which are not addressed by their existing local plan(s);
 - (c) there may be scope for more existing policies to be saved for more than the three years that had been previously indicated;
 - (d) a Scheme should be deliverable and contain realistic timetables and milestones in relation to what is required and the capacity of everybody involved;
 - (e) for performance assessment purposes (including Planning Delivery Grant (PDG)) a test will be whether those milestones are achieved;

- (f) the two key priorities in the first Scheme are likely to be the Statement of Community Involvement (SCI) and the Core Strategy;
 - (g) selection of other priorities will depend on local circumstances and take into account the importance of the delivery of national policy;
 - (h) Development Plan Documents which allocate sites for development should only be brought forward concurrently with the Core Strategy in exceptional circumstances;
 - (i) housing delivery is important given Ministers' wish to see at least ten years supply of housing, including five years worth of allocated sites;
 - (j) there is a need for up-to-date waste plans to support the delivery of the Government's national waste strategy and the contribution this makes to meeting European Union obligations (in a further letter dated 6 December 2004 ODPM indicated that waste could be one of the local circumstances that justifies preparation of a site allocations Development Plan Document in parallel with a Core Strategy).
9. In its December 2004 Consultation Paper on Proposals for Allocation of Planning Delivery Grant in 2005/2006 ODPM proposes a minimum payment of £52010 to each authority which formally submits within the statutory period (ie by 28 March 2005).

Draft Statement of Community Involvement (SCI)

10. Further to the resolution of September Cabinet, formal consultation on the draft Statement of Community Involvement took place in October and November 2004. Further work on this awaits publication of the Government report on consultation on planning applications already referred to. It is anticipated that a submission statement will be submitted for consideration by March Cabinet/April Council.

Draft Local Development Scheme (LDS)

11. The Local Development Scheme will be the document which the public can use to find out what the Council is proposing to do and when, and at what stage they can expect to be involved in the planning process. It must be submitted to and approved by GONE but will not be subject to formal consultation or independent examination.
12. It will cover a three year period and will include:
- (a) a brief description of all the local development documents (LDDs) to be prepared, the content and geographic area to which they will relate, and the timetable for preparation, public examination and adoption;
 - (b) establish which of these documents will form part of the statutory development plan (Development Plan Documents (DPDs));
 - (c) state which policies and proposals of existing development plans (regional planning guidance, structure plan and local plans) will be replaced by Local Development Documents and which will be 'saved' beyond the three year period;

- (d) provide an explanation of the relationship between Documents, especially the Core Strategy and other documents; and
 - (e) state which, if any, Documents are to be prepared jointly with other local authorities.
13. It will be rolled forward annually, and otherwise updated more frequently as necessary.
14. Once approved by GONE, the Council must publish it and make it available on its website.
15. The Council will be required to enter into a Service Level Agreement (SLA) with Planning Inspectorate committing it to the public examination timetable contained in the Local Development Scheme. This is to be co-ordinated by GONE before formal submission of the Scheme.
16. To enable the 28 March 2005 submission deadline to be met, a final draft has to be submitted to GONE now. It is suggested that this be based on:
- (a) the documents and content described at **Appendix 1**; and
 - (b) the draft programme for preparation attached at **Appendix 2**.
17. These reflect:
- (a) the guidance already referred to;
 - (b) informal discussions with GONE;
 - (c) the level of coverage of the current statutory development plans, namely Regional Planning Guidance for the North-East (RPG1), the Tees Valley Structure Plan, the Borough of Darlington Local Plan, and the old minerals and waste local plans prepared by Durham County Council;
 - (d) the Community Strategy for Darlington, which postdates the development plans;
 - (e) other more recent and emerging Council strategies, eg Cultural Strategy, Neighbourhood Renewal Strategy, replacement Local Transport Plan; and
 - (f) emerging Regional Spatial Strategy for the North-East (subject of a separate agenda report);
 - (g) other relevant strategies, such as the Northern Way.

Outcome of Consultation

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

Legal Implications

19. 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

20. 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. It is not considered that the contents of this report have any such effect.

Council Policy Framework

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

Decision Deadline

22. For the purpose of the 'call-in' procedure this does not represent an urgent matter.

Key Decisions

23. 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

24. It is recommended that :-
 - (a) the outline, contents and timetable appended to this report be approved as the basis for the first Local Development Scheme for Darlington;
 - (b) officers be authorised to finalise a service level agreement with the Planning Inspectorate, and finalise the Local Development Scheme and formally submit it to the Government Office for the North East;
 - (c) officers be authorised to publish the Local Development Scheme once approved by the Government Office; and
 - (d) officers submit further reports on any further changes in respect of the transition to the new development plan system.

Reasons

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

- (a) it is necessary to submit a Local Development Scheme before the statutory deadline of 28 March 2005;
- (b) consideration of, and decisions on, the matters covered is necessary at this stage to assist in meeting this deadline.

John Buxton
Director of Development and Environment

Background Papers

- 1. ODPM letters to local authorities dated 26 November 2004 and 6 December 2004.
- 2. Otherwise, none other than those referred to in this report.

Theo van Looij/Graham Farr : Extension 2047/2629
kr