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**DARLINGTON LOCAL DEVELOPMENT SCHEME 2012-15**

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

**Responsible Director – Richard Alty, Director of Place**

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**SUMMARY REPORT**

**Purpose of Report**

1. This report outlines the Local Development Scheme (LDS) for 2012-2015 (see **Appendix 2**) and recommends that it be agreed. The LDS responds to national changes to the plan making system, the recent publication of the Town and Country Planning (Local Planning) (England) Regulations 2012 (referred to hereafter as the Local Planning Regulations), the new National Planning Policy Framework (NPPF), and provisions of the Localism Act 2011.

**Summary**

2. The LDS sets out details of the local development documents that the Council will prepare over the next three years. The requirement on the Council to prepare a Local Development Scheme (LDS) was restated in the Localism Act 2011. It no longer needs to be formally submitted to the Government.
3. This LDS will replace the current LDS 2011-14. Since the last LDS was prepared, the Council has adopted three development plan documents (DPDs) and a revised Design of New Development SPD, giving the Council a more complete and up to date local planning policy framework than most local authorities. This LDS gives highest priority to preparing the Making and Growing Places DPD, a development policies and site allocations DPD. This is because of its fundamental role in facilitating the delivery of housing and employment opportunities within the Borough. This will provide Ordnance Survey based detail for the policies and proposals contained in the adopted Core Strategy, and complete the up to date Local Plan for Darlington. High priority is also given to finalising the draft Planning Obligations Supplementary Planning Document (SPD). This will help the Council to get contributions from developers towards the costs of mitigating the impact of new development on local infrastructure, and will provide the starting point for work to underpin the introduction of the Community Infrastructure Levy in 2014.
4. This LDS does not include preparation of an Eastern Town Centre Fringe Area Action Plan, which was to cover part of the wider Town Centre Fringe. This will be withdrawn and the appropriate level of plan making included in the Borough wide policies and site allocations document. This, together with a complementary (non statutory) Town Centre Fringe

masterplan will be sufficient to demonstrate the continuing commitment of the Council and its partners to the regeneration and redevelopment of this area.

5. The LDS also commits some resources to supporting neighbourhood planning, as the Council is required to perform this role for any Parish Council or neighbourhood forum that wishes to prepare a neighbourhood plan. The difficulty resourcing this process is predicting how many, and when, requests for support will come forward. A revision to the Statement of Community Involvement is also needed, to reflect changes to development management procedures and to the plan making process.
6. The report proposes that the LDS should take effect the day after the next meeting of full Council.

### **Recommendations**

7. It is recommended that:
  - (a) the updated Local Development Scheme for the period 2012-15 attached to this report be agreed, to take effect from 28 September.

### **Reasons**

8. The recommendations are supported by the following reasons:
  - (a) the Council is required to have an up to date Local Development Scheme (Planning and Compulsory Purchase Act 2004, as amended by Section 111, Localism Act 2011)

**Richard Alty**  
**Director of Place**

### **Background Papers**

SI 2012, No 767: Town and Country Planning (Local Planning) (England) Regulations 2012  
National Planning Policy Framework, CLG March 2012  
Localism Act 2011.

Valerie Adams: Extension 2477

S17 Crime and Disorder	Progress in preparing the documents set out in the LDS will provide a stronger policy framework to address this locally.
Health and Well Being	As above.
Carbon Emissions	The Local Plan documents referred to in the LDS will be subject to sustainability appraisal during their preparation, integral to which is reducing carbon emissions. All policies are tested and amended to ensure the most sustainable outcomes, including to keep carbon emission to a minimum, and promoting the use of renewable energy in new developments.
Diversity	Equalities Impact Assessment (EIA) and Disability EIA are integrated into the preparation of local development documents. All policies will have been tested and amended to ensure the most equitable outcomes, and to ensure that the needs of specific groups are met.
Wards Affected	All
Groups Affected	All
Budget and Policy Framework	The preparation of documents included in the LDS will take place using existing resources. The documents will complete the statutory land use planning framework for the Council's area.
Key Decision	This is not an Executive decision
Urgent Decision	This is not an Executive decision
One Darlington: Perfectly Placed	The LDF Core Strategy is the spatial expression of 'One Darlington: Perfectly Placed'. The documents proposed for preparation in the LDS set out more precisely what this means in terms of new development, where and when.
Efficiency	The LDS assumes resources at existing level in Planning Policy team, no additional requirements being placed on the team, and the availability of staff time from key officers across the Council whose service requirements need to be reflected in local development documents (LDDs) in a co-ordinated way. Adoption of the LDDs will give developers, residents and other interested parties more certainty about how the Council will view different types of development proposals in different locations. This will help the Development Management service to operate more effectively, and help avoid the award of costs against the Council where decisions are appealed. The Planning Obligations SPD will specifically help the Council to secure more money from developers for local infrastructure.

## MAIN REPORT

### Purpose of the Report

9. This report outlines the Local Development Scheme (LDS) for 2012-2015 (see **Appendix 2**) and seeks Council's agreement to it to take effect immediately.

### Background

10. A Local Development Scheme (LDS) 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.
11. This LDS responds to national changes to the plan making system, reflected in the recent publication of the Town and Country Planning (Local Planning) (England) Regulations 2012, the Localism Act and the National Planning Policy Framework (NPPF). It will replace the existing LDS 2011-2014.
12. The Council has been unable to keep to the timetable for plan preparation set out in the 2011-2014 LDS for four key reasons:
  - (a) during 2011-12, there have been very significant changes to the national planning landscape. The Localism Act, new Local Planning Regulations and the NPPF have all had to be digested and their implications considered;
  - (b) a consultation on potential sites to accommodate Gypsies and Travellers absorbed significantly more officer time than was anticipated;
  - (c) the team is operating on reduced resources, a fixed term Planning Officer contract having ended recently and a part time Technical/Administrative Officer post having been deleted from the structure; and
  - (d) information collection to underpin policy development has taken longer than expected, not least because more limited resources in other parts of the Council and amongst our external partners has extended the time required to engage with and get feedback from them.
13. The Local Planning Regulations, Localism Act 2011 and the NPPF now refer to 'Local Plans' where previously the term 'Local Development Framework' was used. This is the first LDS to use the Local Plan terminology. The plan at **Appendix 1** indicates the existing and proposed planning policy documents that will comprise the Darlington Local Plan and those that will sit outside of it, but which are still be part of either the statutory development plan or are local development documents. For now, for most planning matters, the LDF Core Strategy (2011) and saved policies of the Borough of Darlington Local Plan (2001) comprise the Borough's Local Plan; for Minerals and Waste matters, it is the Tees Valley Minerals and Waste Core Strategy and the Tees Valley Policies and Sites DPDs.

### The Local Development Scheme 2012-15

14. The Government has identified that Local Plans are the key to delivering sustainable development and has restated the importance of up to date plans. Therefore, in this LDS, the highest priority is given to progressing a policies and site allocations DPD (to be known

as the Making and Growing Places DPD), to provide the Ordnance Survey based detail for the policies and proposals contained in the adopted Core Strategy. This is because of its fundamental role in facilitating the delivery of housing and employment opportunities within the Borough. Work is already underway on this document, including the recent consultation on potential Gypsy and Traveller sites. A comprehensive Preferred Options (effectively the draft Plan) consultation is programmed to take place in late spring/early summer 2013. After this, a Publication draft will be prepared and representations invited on it, in early 2014. Representations will be considered by a Planning Inspector at Public Hearings to examine the Plan in summer 2014, after which a report will be issued by the Inspector, and the Council will be in a position to adopt the Plan, before the end of 2014.

15. A high priority is also given to finalising the draft Planning Obligations Supplementary Planning Document (SPD), a draft of which was consulted on in June/July 2012. This will help the Council to get contributions from developers towards the costs of mitigating the impact of new development on local infrastructure, and will provide the starting point for work to underpin the introduction of the Community Infrastructure Levy in 2014. Its preparation accords with the NPPF which indicates that SPDs should 'only be used where they can help applicants make successful applications or aid infrastructure delivery, and should not be used to add unnecessarily to the financial burdens of development'.
16. The 2011-14 LDS set out a programme for the preparation of an Eastern Town Centre Fringe Area Action Plan, to provide detailed policy and proposals for a tightly defined area of the wider Town Centre Fringe. So far, only a Scoping report has been prepared.
17. This LDS proposes to withdraw this document, because national policy indicates that additional development plan documents should only be used where clearly justified. Policies and proposals covering the Town Centre Fringe area will be included in the Making and Growing Places DPD outlined above (para, 14). This will provide appropriate statutory planning policy coverage of the area. The statutory plan, together with a finalised (non statutory) Town Centre Fringe masterplan, will be sufficient to demonstrate the continuing commitment of the Council and its partners to the regeneration and redevelopment of this area, so providing the necessary basis for funding bids and any interventions such as Compulsory Purchase Orders, should they be required.
18. Updating of the Statement of Community Involvement (which sets out how the Council will engage the public and others in plan making and decision taking) is identified as a low priority. Amendments are needed, for example, to reflect the implementation of the on-line planning applications system for submitting, viewing and commenting on applications, and to reflect changes in the plan making process.

### **Risks to Delivery Programme outlined in the Local Development Scheme**

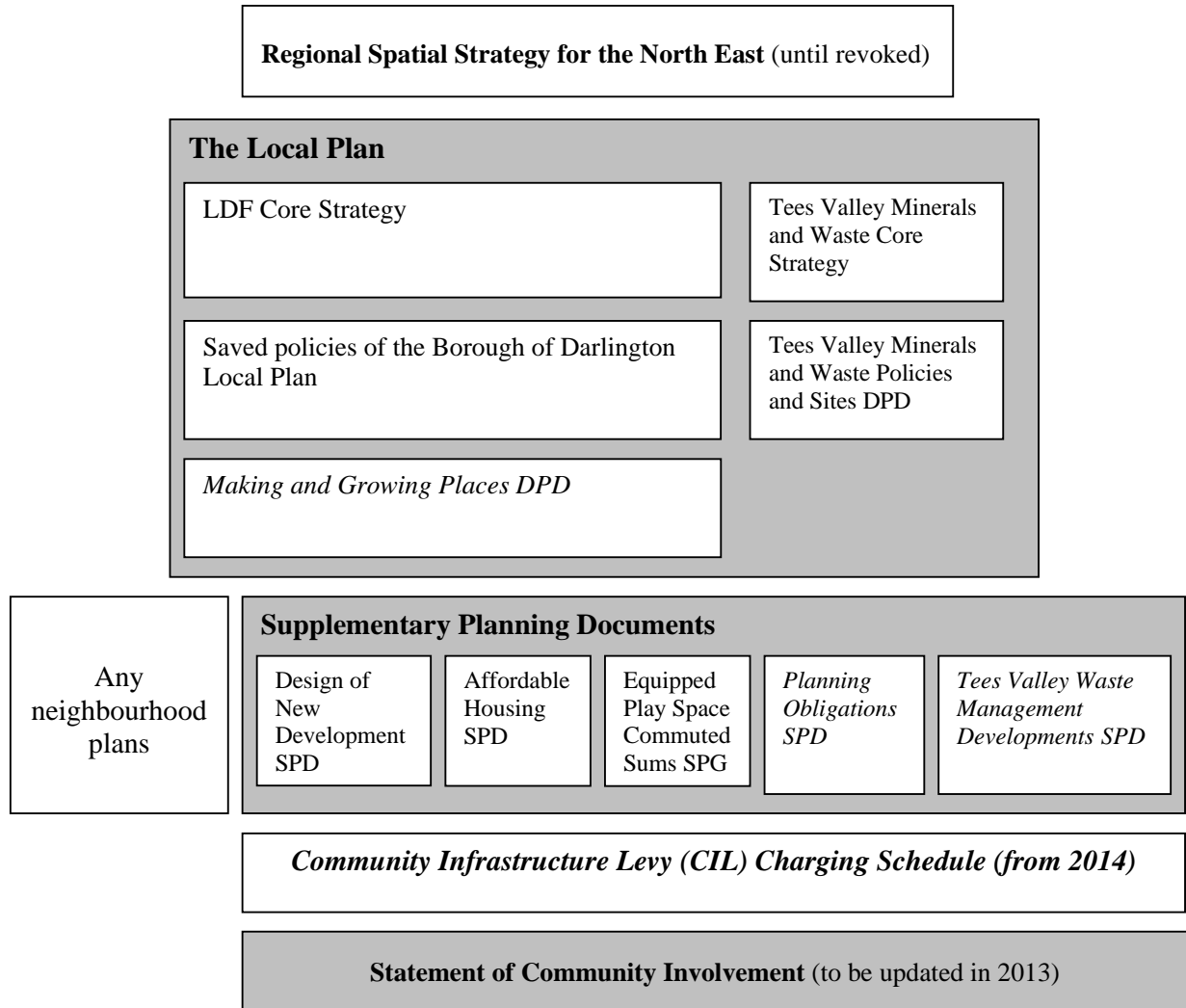
19. The Council's ability to deliver against the timetables set out in this LDS is at risk for any or all of the following reasons:
  - (a) Neighbourhood planning: introduced by the Localism Act 2011, the LDS commits some resources to supporting neighbourhood planning, as the Council is required to perform this role for any Parish Council or neighbourhood forum that wishes to prepare a neighbourhood plan. However, this resource could be quickly absorbed if there is wide and/or significant interest in it from Parish Councils and other community groups,

to the detriment of resourcing the preparation of plans that do more to deliver the One Darlington: Perfectly Placed priorities. At this time, it is difficult to predict how many and when requests for support for neighbourhood planning will come forward – introductory material has been provided or presented to four groups so far.

- (b) Other corporate priorities: the team also provides the planning policy input into a range of corporate projects, such as town centre development/regeneration, the town centre fringe and the Cockerton housing regeneration project, and other strategies, such as housing, car parking, green infrastructure, etc. Again, the timing and amount of staff time these will absorb is difficult to predict, when these programmes also experience slippage;
- (c) Further staffing or budget savings the Council may need to make in future years or more urgent priorities of the Strategy and Commissioning section, could all reduce the amount of staff hours that could be dedicated to local planning policy document preparation and the amount of specialist consultancy support that could be procured to inform policy making. The effect of any of these would be to extend the time taken to get a completed and up to date Darlington Local Plan in place.

20. Details of other documents that will form the planning policy framework in Darlington are also set out in the LDS, including an adopted revised Statement of Community Involvement, and existing supplementary planning documents, such as the Design of New Development SPD, and the Affordable Housing SPD. **Appendix 1** depicts how they all fit together.

**APPENDIX 1: Planning Policy Documents for Darlington Borough**



Note: Shaded boxes are Local Development Documents prepared by the local planning authorities (LPAs). The CIL Charging Schedule will be prepared by the LPA but is not a Local Development Document