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**DARLINGTON LOCAL DEVELOPMENT FRAMEWORK:  
LOCAL DEVELOPMENT SCHEME 2009-2012**

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**Responsible Cabinet Member – Councillor John Williams, Economy Portfolio**

**Responsible Director – Richard Alty Assistant Chief Executive (Regeneration)**

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**SUMMARY REPORT**

**Purpose of the Report**

1. This report is to outline the contents of the Local Development Scheme 2009-2012 and to seek Council's agreement to the recommendations proposed regarding the LDS. It is a Council function to prepare and agree a Local Development Scheme.

**Summary**

2. The Local Development Scheme (LDS) is part of the Council's Local Development Framework. It sets out the development plan documents and supplementary planning documents that the Council will prepare over the next three years and the timing of the key stages of their preparation. It also outlines the scope of each document being prepared, sets out the resources that will be made available for Local Development Framework (LDF) preparation, and identifies the risks to plan preparation.
3. This LDS gives priority to the preparation of the LDF Core Strategy so that it can be adopted by the Council in July 2011. The LDF Core Strategy is the spatial expression of 'One Darlington: Perfectly Placed', the sustainable community strategy for Darlington, and sets out the vision, objectives, locational strategy and other strategic policies for the use and development of land in the Borough.
4. The first development plan documents (DPDs) that the Council will adopt are likely to be the Tees Valley Minerals and Waste Core Strategy DPD and the Tees Valley Minerals and Waste Policies and Sites Allocations DPD, which are programmed to be adopted in July 2010. The Statement of Community Involvement needs revising to take account of regulatory changes made last year, and a revised version should be capable of adoption in March 2010.
5. Whilst it is no longer a requirement to include Supplementary Planning Documents (SPDs) and the Statement of Community Involvement (SCI) in the LDS, details of these have been provided in this LDS, so that the whole body of work that the Council is undertaking on the LDF is clear to all.

6. Progressing LDF document preparation in accordance with the timetables set out in the LDS, particularly those documents that address housing delivery, could attract enhanced payments to the Council under the Government's Housing & Planning Delivery Grant, though for previous years this has been calculated against the timetables set out in the 2007 LDS. Progress on the LDF could also form part of the Comprehensive Area Assessment.

### **Recommendation**

7. It is recommended that:-
  - (a) the updated Local Development Scheme for the period 2009- 2011, attached to this report, be agreed and formally submitted to the Government Office for the North-East;
  - (b) the updated LDS takes effect upon receipt by the Council of confirmation that the Secretary of State does not intend to give a direction to the Council under Section 15(4) of the Planning and Compulsory Purchase Act 2004.

### **Reasons**

8. The recommendations are supported by the following reasons :-
  - (a) The recommendations are supported as the Council is required to submit an updated Local Development Scheme to the Government, taking account of the Town and Country Planning (Local Development)(Amendment) Regulations 2008.

**Richard Alty**  
**Assistant Chief Executive (Regeneration)**

### **Background Papers**

None.

Valerie Adams: Extension 2477

S17 Crime and Disorder	Adoption of the LDF Core Strategy and other local development documents will give significant weight to draft land use policies that seek to address this issue.
Health and Well Being	As above.
Sustainability	Sustainability Appraisal is an integral and statutory part of the preparation of local development documents. All policies will have been tested and amended to ensure the most sustainable outcomes.
Diversity	Equalities Impact Assessment (EqA) and Disability EqA 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 LDF will be provided within existing resources and will provide statutory land use planning framework for the Council.
Key Decision	Yes
Urgent Decision	No
One Darlington: Perfectly Placed	The LDF Core Strategy is the spatial expression of 'One Darlington: Perfectly Placed'
Efficiency	The workload proposed depends on the existing resources within the Planning and Environmental Policy team being maintained without any 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 the LDF in a co-ordinated way. Adoption of the key LDF documents set out in the LDS will provide greater certainty to developers and other interested parties about how the Council is likely to consider particular types of development proposals in particular locations. This will enable the Council's development control function to operate more effectively, and help to avoid the award of costs against the Council on appeal.

## MAIN REPORT

### Information and Analysis

#### *The Existing Local Development Scheme*

9. The Local Development Scheme (LDS) 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 looks 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.
10. The Council's current Local Development Scheme 2007-2010 came into effect on 16th April 2007, following consideration by Cabinet at its meeting on 20th March 2007 (Min 166(9)(a)). It covered the three year period 2007-2010 in detail, and outlined expected progress for the following two years.
11. A number of factors have delayed progress in several areas of plan preparation against the timetables set out in the current LDS. These have rendered the existing LDS out of date and misleading. The factors that have adversely affected progress on the preparation of LDF documents are as follows:
  - (a) New regulations (the Town and Country Planning (Local Development)(Amendment) Regulations 2008) and a revised 'Planning Policy Statement 12: Creating strong safe prosperous communities through Local Spatial Planning' have come into force that have changed the process of preparing LDF documents. A key change is that prior to submission of development plan documents (like the LDF Core Strategy) to the Secretary of State for examination, the Council is now required to publish what it plans to submit, invite representations on it, and consider whether the representations cause the authority to question whether the plan is sound. It is estimated that this will take at least ten weeks, including the minimum six week period for accepting representations.
  - (b) 'One Darlington: Perfectly Placed' was published last year, replacing the earlier Darlington Community Strategy: Where Quality Comes to Life. As the LDF is the spatial representation of the sustainable community strategy (SCS), this has had significant implications for LDF preparation. In particular, a rethink of the content of the LDF Core Strategy was required to align it with the new SCS, and the decision was taken at Cabinet in December 2007 (Min C130(4)(c)) to consult on a revised Core Strategy Issues and Options, and a Preferred Options. These consultations took place in early Spring and Autumn 2008 respectively.
  - (c) Preparation of the Regional Spatial Strategy, with which the Council's LDF has to be in conformity, took longer than anticipated and was only published in its final form in July 2008.
  - (d) As other authorities' plans have progressed to examination, the importance of a comprehensive, up to date, robust and credible evidence base to the overall soundness of the LDF has become increasingly clear; in December 2008, Newcastle City Council

had to withdraw its LDF Core Strategy, following receipt of a letter from the Planning Inspectorate indicating that the plan was unlikely to be found sound, because of an inadequate evidence base. More time is now needed between Preferred Options stage and submission stage to amass an appropriate level of evidence. Studies that have recently been completed include the Darlington Retail Study, the Darlington Strategic Housing Land Availability Assessment, the Tees Valley Strategic Housing Market Assessment, and the Tees Valley Hotel and Visitor Accommodation Assessment. Those that are due to be completed within the next six months or so are the Darlington Employment Land Review, the Darlington Playing Pitch Strategy and the Connections Study, which will amongst other things, investigate whether land needs to continue to be reserved for the remaining sections of the Darlington Cross Town Route. A local infrastructure plan also needs to be prepared to inform the selection of preferred options for the location of new development.

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

12. 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, and should only be departed from in exceptional circumstances.
13. A review of the existing LDS has been carried out and was included in the Darlington LDF Annual Monitoring Report 2007/08 published in December 2008, and available on the Council's website. The review identified that the need for a separate Development Policies SPD should be revisited, that there is no clear need for a Town Centre Action Area Plan and that the Darlington Gateway Action Area Plan, should be renamed the Darlington Town Centre Fringe Action Area Plan.
14. The review identified that significant progress has been made on the Tees Valley Minerals and Waste Core Strategy and Policies and Site Allocations DPDs, and that preparation of the Design of New Development SPD was on target for adoption by the Council in July 2009.
15. A range of other matters in addition to those identified above, also need to be taken into account in updating the LDS:
  - (a) **All DPDs:** the Planning Inspectorate (PINS) has been able to give better indicative timetables as to how long the examination and subsequent reporting will take, based on their experience of other authorities' examinations. Their estimates are now several weeks shorter than previously advised.
  - (b) **LDF Core Strategy:** responses received by the Council following a consultation on the LDF Core Strategy Preferred Options in Autumn 2008 indicate that a additional period of consultation on revised Preferred Options will be necessary prior to preparing the LDF Core Strategy for submission to Government for examination, to reduce the risk of the Core Strategy ultimately being found unsound. Also, the revised PPS12 (CLG, June 2008) now gives even greater emphasis to the need for authorities to prepare a Core Strategy, as this is the principal LDF document. The proposed timetable now anticipates that the LDF Core Strategy will be adopted in July 2011.

- (c) **Statement of Community Involvement (SCI):** the adopted SCI needs to be reviewed urgently to reflect that the statutory plan making process around which much of the document is framed has changed. In its current form, it is misleading to the public and unless revised before the Core Strategy is submitted, it could open the Core Strategy to challenge on the grounds of a procedural test of soundness. The enactment of the Planning Act 2008 that was brought into force by regulations in April 2009, has removed the requirement for the SCI to be subject to examination and for it to be included in the LDS. Other changes can also be made to the SCI, to reflect up to date customer service standards, a new structure to the Darlington Partnership and its community engagement arrangements. It is proposed that work commences on reviewing the SCI immediately, so that a revised SCI can be adopted by the Council in March 2010. Whilst not an essential part of the LDS, it is proposed to continue to include this, for completeness and to give publicity to the arrangements that are in place for people to get involved in planning the future of the Borough.
- (d) **Tees Valley Minerals and Waste Core Strategy and the Tees Valley Minerals and Waste Site Allocations Development Plan Documents:** Work is well advanced on preparing both the above documents for submission to the Secretary of State, with consultations on the proposed submission documents likely to take place in summer 2009, submission to Government in November 2009, public examination in February 2010 and adoption in July 2010. A high priority is being given to the preparation of these documents because of the timetables imposed by joint working with other authorities and meet the deadlines imposed on the UK Government as part of implementing the European Waste directive.
- (e) **Design of New Development Supplementary Planning Document:** Work is well advanced on this document. The draft SPD was considered by Cabinet on 2nd December 2008, consultations were carried out on the draft SPD from 7th January to 18th February 2009, and the responses to the consultation were considered by the Economic and Environment Scrutiny Committee on 23rd April. Adoption of a finalised SPD is programmed for July 2009. A high priority is being given to the completion of this document because of this advanced stage of preparation, and because of the influence it will have on the Council's ability to drive up the quality of most of the planning applications submitted.
- (f) **Making Places Development Plan Document:** this would be the Development Policies DPD, as set out in the existing LDS, but with a name change. There are likely to be fewer and less detailed policies than currently appear in the adopted Local Plan, to reflect changes to the operation of the planning system. The DPD would be prepared so that it was adopted as soon as practically possible after adoption of the Core Strategy. The advice from the Planning Inspectorate is that as this document should conform with the Core Strategy, it should not be submitted for examination until the examination is completed for the Core Strategy. This means that work on the DPD would not commence until August 2010 and an adopted DPD would not be in place until February 2013. The Planning Inspectorate also advise against preparing separate development policies DPDs, arguing that potential developers may look only at this document for planning guidance, rather than the whole LDF. However, these policies are likely to be more enduring than site allocations that will need to be updated more frequently. If the Making Places DPD was merged with the site allocations document

(see below), it would open up the development policies for challenge earlier than is necessary.

- (g) **Accommodating Growth Development Plan Document:** the existing LDS proposed that employment allocations would be identified in a Darlington Gateway Action Area Plan. At that time, there was sufficient land with planning permission to meet housing requirements, and so no new allocations were envisaged. Since the existing LDS was prepared, it has become apparent that additional land will need to be identified for new housing development, to meet the finalised Regional Spatial Strategy requirement. It is therefore proposed that an Accommodating Growth DPD be prepared, that sets out the land that is to be allocated for all forms of new development. The site allocations set out in this document would appear on the LDF Proposals Map that would be prepared concurrently. Advice from the Planning Inspectorate is that as this document should conform with the Core Strategy, it should not be submitted for examination until the examination is completed for the Core Strategy. This means that whilst work on the Accommodating Growth DPD Development Policies DPD will commence in December 2009, it will not be ready for adoption until July 2013.
- (h) **Darlington Town Centre Fringe Area Action Plan:** this new DPD is being proposed to ensure that development and land use change in the area to the east and north-east of the town centre takes place in a co-ordinated manner, to make the most of the potential of this part of the urban area to contribute to the prosperity and quality of life. The area is identified as a key location where development and regeneration activity will take place in the LDF Core Strategy: Preferred Options document, agreed by Cabinet on 7th October (Min C63(b)). However, bringing forward developments in the town centre and at Central Park are seen as a higher priority, so work on this DPD is less urgent. However, there are clear advantages to having a robust planning policy framework in place when the market recovers and interest in the opportunities in this area returns, and there is also the possibility of some funding being available from One North East to support preparatory community engagement and master planning work that would underpin preparation of this document. It is therefore proposed that work formally commence on the DPD in January 2010, which would culminate in an adopted area action plan being adopted in July 2013.
- (i) **Town Centre Area Action Plan:** with detailed proposals in place for the Commercial Street area and a planning and development brief agreed for the Feethams area, it is considered that there is no longer a need for this document. It is therefore proposed to delete it from the LDS.
- (j) **Planning Obligations Supplementary Planning Document:** This document will set out the detail of the Council's policy on developer contributions, Section 106 agreements and planning obligations. Provision was made in a Government Circular 05/05 to allow authorities to progress these documents, linked to national policy on planning obligations, without having an adopted LDF or Local Plan policy in place. Preparation of this document has previously been seen as a priority, to secure developments and/or contributions from developers towards community infrastructure, e.g. school places and the maintenance of open space, that would make the schemes acceptable. The current downturn in development activity has meant that fewer schemes are now coming forward and the value in those that do (and hence the ability of developers to make contributions without affecting the viability of schemes) is now much lower. The

priority is now not so high for the preparation of this SPD, although it needs to be in place so that appropriate contributions can be sought from developers when the market begins to recover.

- (k) **Affordable Housing Supplementary Planning Document:** consideration has been given to reviewing the Affordable Housing SPD, adopted in April 2007, to take account of the markedly changed housing market conditions and potential new ways of meeting affordable housing needs, and the importance of delivering larger house types. However, the SPD is still proving to be workable in the current depressed housing market conditions, and recent work to refresh housing needs data as part of the Tees Valley Strategic Housing Market Assessment found that there is are still significant shortfalls of affordable housing compared to needs identified in all parts of the Borough. It is not proposed at this time to revise the Affordable Housing SPD, but the need for this will be closely monitored as the climate for housing delivery continues to change.

16. A copy of the proposed Darlington Local Development Scheme 2009-2012 is attached as **Appendix 1**.

### **Resources**

17. For reasons of good management and efficiency, it is important that the programme of document preparation is achievable, taking account of the resources available. Also, progress against the milestones set out in the LDS are currently used by the Government as the basis of deciding how much Housing and Planning Delivery Grant to award to each local authority, and performance against the LDS milestones may form part of future Comprehensive Performance Assessment.
18. The programme proposed in the LDS assumes that staff resources will remain at least at the level currently provided for in the staffing structure, that the amount of non LDF work that the Planning & Environmental Policy team carries out does not increase, and that the budgetary resources that have been allocated to LDF work in the Medium Term Financial Plan, are available in their entirety, and continued in subsequent years.

### **Outcome of Consultation**

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