
**DARLINGTON LOCAL DEVELOPMENT FRAMEWORK:
LOCAL DEVELOPMENT SCHEME 2011-14 AND ADOPTION OF DEVELOPMENT
PLAN DOCUMENTS**

Responsible Cabinet Member – Councillor John Williams, Economy Portfolio

Responsible Director – Richard Alty, Director of Place

SUMMARY REPORT

Purpose of Report

1. This report outlines the contents of the Local Development Scheme (LDS) 2011-2014 (**see Appendix 1**) and seeks Council's agreement to the recommendations proposed regarding the LDS. It also provides an update on progress on preparing the Core Strategy and seeks Council's agreement that the Core Strategy be adopted on receipt of the binding Inspector's report.

Summary

2. A Local Development Scheme (LDS) is a statutory requirement, setting out details of the planning policy documents that the Council will prepare over the next three years for its Local Development Framework (LDF). An up-to-date LDS will help the Council to demonstrate the soundness of its LDF documents, three of which are now subject to independent examination.
3. This LDS updates and rolls forward a previous LDS 2009-2012. It gives highest priority to work on the LDF Core Strategy, the principal document of the LDF, so that it can be adopted by the Council in July 2011. High priority is also given to completing the Tees Valley Minerals and Waste Core Strategy DPD and the accompanying Policies and Sites Allocations DPD, both at a similar stage of preparation as the Core Strategy. The LDS also proposes a Making Places and Accommodating Growth DPD, and a Town Centre Fringe Core Area Action Plan. A Planning Obligations Supplementary Planning Document is also being prepared, to help the Council to secure contributions from developers towards the costs of mitigating the impact of new development on local infrastructure.
4. The Core Strategy is the principal document of the LDF and is at an advanced stage of preparation. Preparation of the Tees Valley Minerals and Waste DPDs are at a similar stage. Public Examinations are scheduled for end January/early February 2011, and the binding Inspectors Reports are likely to be received in late April/May. Recommendations are set out below for delegated authority to be given to the Director of Place, to agree proposed changes to the DPDs during their Examinations and to seek Council's authorisation to adopt

the Core Strategy and minerals and waste DPDs on receipt of the respective Inspectors reports.

Recommendations

5. It is recommended that:

- (a) the updated Local Development Scheme for the period 2011- 2014, attached to this report, be agreed and formally submitted to the Government Office for the North-East;
- (b) Council resolve that the revised 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;
- (c) the Director of Place (or his nominated officers) be authorised to propose changes to the Core Strategy DPD, the Tees Valley Minerals and Waste Core Strategy and the Tees Valley Minerals and Waste Policies and Sites Development Plan Documents during their respective Examinations, where these changes do not alter the original intent of the strategy and policies of the DPDs;
- (d) Council resolve to adopt the Core Strategy, the Tees Valley Minerals and Waste Core Strategy and the Tees Valley Minerals and Waste Policies and Sites Development Plan Documents, as amended by the respective Inspectors Reports, on receipt of those reports, subject to the Assistant Director Resources not finding that any of the Inspectors' decisions could be subject to legal challenge by the Council.

Reasons

6. The recommendations are supported by the following reasons:

- (a) 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;
- (b) to ensure that the Council can respond in a timely way to requests from the Inspector(s) for suggested changes to the development plan documents during their Examination;
- (c) to ensure that the Council can adopt and use its Core Strategy and the minerals and waste DPD for development management and other purposes as soon as possible.

Richard Alty
Director of Place

Background Papers

No Background papers were used in the preparation of this report.

Valerie Adams: Extension 2477

| | |
|----------------------------------|---|
| S17 Crime and Disorder | Adoption of the documents set out in the LDS will give significant weight to land use policies that seek to address this issue. |
| Health and Well Being | As above. |
| Carbon Impact | The DPDs referred to in the LDS will be subject to sustainability appraisal, 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, including promotion of the use of renewable energy in new developments. |
| 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 developed within existing resources and provides the statutory land use planning framework for the Council's area. The LDF must be considered by full Council as part of the Policy Framework. |
| 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' |
| Efficiency | <p>The workload proposed assumes resources at existing level in Planning and Environmental 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 the LDF in a co-ordinated way.</p> <p>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.</p> <p>Preparation of a Planning Obligations SPD will specifically help the Council to secure more money from developers for local infrastructure.</p> |

MAIN REPORT

Purpose of the Report

7. This report outlines the contents of the Local Development Scheme (LDS) 2011-2014 (see **Appendix 1**) and seeks Council's agreement to the recommendations made regarding the LDS.

Information and Analysis:

Local Development Scheme

8. A Local Development Scheme (LDS) is a statutory requirement. A LDS sets out the planning policy documents that the Council will prepare over the next three years for its Local Development Framework (LDF), when the key stages of preparation for each will be, the scope of each document, the resources available for LDF preparation, and the risks to plan preparation.
9. An up to date LDS is important because a development plan document prepared by the Council could be found to be unsound if it has not been prepared in accordance with the Council's LDS. The LDS needs to be updated now, as three development plan documents are now undergoing independent examination of their soundness.
10. This LDS updates and rolls forward the LDS 2009-2012 agreed by Council in July 2009 (Minute 17/3 refers). It gives priority to work on the LDF Core Strategy, the principal document of the LDF, so that it can be adopted by the Council by July 2011. The public hearing sessions of the Core Strategy Examination are scheduled for the end of January.
11. Also of high priority is work to complete the Tees Valley Minerals and Waste Core Strategy DPD and the accompanying Policies and Sites Allocations DPD. The public hearing sessions of the Examination into these documents are scheduled for February 2011.
12. The 2009-2012 LDS proposed three other documents to complete the development plan framework for Darlington. These were an Accommodating Growth DPD, to primarily deal with site allocations, a Making Places DPD, to set out detailed policies that identified and applied policy constraints in areas like green wedges and conservation areas, and a Town Centre Fringe Action Area Plan, to set out all policy details and proposals within a tightly defined areas of the wider town centre fringe. In this 2011-2014 LDS, it is proposed to merge the Accommodating Growth and Making Places DPD, to allow for better engagement with public and stakeholders on related issues crossing both documents, to reduce consultation fatigue, and to reduce the resources required overall to complete these elements of the LDF.
13. Work on the Town Centre Fringe Area Action Plan (AAP) needs to be carefully dovetailed with masterplanning work underway on the wider town centre fringe area, and as its name implies, its preparation and the timing of its completion need to occur immediately prior to planned interventions, to keep any period of uncertainty and/or associated blight to a minimum. For these reasons, the programme for preparing the AAP has been extended, with a target adoption date of February 2014.

14. A Planning Obligations Supplementary Planning Document is also being prepared. This will set out the contributions that will be sought from developers to ensure an acceptable form of development and to mitigate the impact of the development on local infrastructure. Preparation of this document has been delayed because of uncertainty about the Coalition Government's approach to this and the associated power of Councils' to introduce a Community Infrastructure Levy (CIL) on new development. Recent announcements begin to clarify the approach required, so it is expected that this document can be in place and adopted by December 2011, with further documentation needing to be prepared in 2012 to allow the introduction of CIL in April 2014.
15. The Council's ability to deliver against the timetables set out in this LDS is at risk from further savings the Council may need to its budget in future years and the proposed restructuring, which could affect the amount of time that Planning Officers can dedicate to LDF document preparation. These risks are being mitigated by managing workload according to staff resources available and programming work accordingly. It is also at risk from changes that the Coalition Government is proposing to make to the planning system, announced most recently through the Localism Bill. These will be addressed through a future report as and when the Government's proposals become policy and/or enshrined in legislation.
16. 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.

Development Plan Adoption

17. As paragraph 10 and 11 above indicate, preparation of the Core Strategy and Minerals and Waste DPDs are at an advanced stage. In July 2010, Council agreed a Publication Draft Core Strategy, and Proposed Changes to the publication draft minerals and waste DPDs in July 2010 (Minutes 17(4) and (5) refer).
18. During the Examination of the DPDs, the Inspector may ask the Council to propose changes to the submitted Core Strategy that he could incorporate into his Report. The Inspector cannot include any changes in his report that fundamentally change the submitted DPD, so these are likely to be relatively minor in nature; they are expected to be things like additional clarification on why a policy is set out as it is, additional reasoning, and minor changes to policy wording that enable the plan to be found sound without compromising its original intent. A recommendation is therefore included in this report to give delegated authority to the Director of Place to propose changes to the DPDs during their Examinations.
19. The Council is likely to be in a position to adopt all of the submitted DPDs in late April/early May 2011, on receipt of binding Inspector's Reports, which may include (binding) recommended changes. Once adopted, the DPDs can be used for development management purposes, as they will form part of the statutory development plan for the Borough. It would therefore be beneficial to adopt the DPDs as soon as possible.

20. However, the first Council meeting in the 2011/12 calendar when the DPDs could be adopted is unlikely to be before mid July. In addition, Inspectors' reports are legally binding on the Council; the Council has to make the changes recommended in the reports if the DPDs are to avoid legal challenge. For these reasons, it is being recommended that Council resolve now to adopt the DPDs on receipt of the respective Inspectors' reports, subject to the Borough Solicitor not finding that any of the Inspector's decisions could be subject to legal challenge by the Council.