
**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 inform Members of the Government Office for the North-East's response to the Local Development Scheme (LDS) submitted by the Council, the outline contents and timetable which were considered by Cabinet at its meeting on 18 January 2005 (Min C175(3)/Jan/05).
2. To seek a resolution that the LDS takes effect, on a specified date.
3. To consider in more detail the key Scheme steps and milestones, and the involvement of Members, leading up to the start of participation on a preferred Core Strategy and alternative options.

Information and Analysis

4. The Local Development Scheme is the project plan and timetable for preparation of the Local Development Framework, which will set out planning policies for Darlington and eventually replace the Borough of Darlington Local Plan. Once the Scheme takes effect, the Council will be expected to keep to the timetable and this will be monitored by the Government through Best Value Performance Indicators.

Local Development Scheme – Previous Considerations by Members

5. At its meeting on 18 January 2005 Cabinet resolved
 - (a) that the outline contents and timetable, as amended, be approved as the basis for the first Local Development Scheme for Darlington
 - (b) that 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) that Officers be authorised to publish the Local Development Scheme once approved by the Government Office for the North-East
6. The original outline contents and timetable referred to were appended to the Agenda report. The amendments, considered at the meeting, reflected further advice from Government

Office, and involve:

- (a) preparing an additional supplementary planning document (SPD), at an early stage, clarifying and updating the Council's position on the conversion of existing buildings in rural areas of the Borough for alternative uses
- (b) rolling back preparation of the Development Policies and Darlington Town Centre development plan documents (DPDs) to follow, rather than run partly concurrently with, preparation of the Core Strategy DPD.

Local Development Scheme – Consideration by Government Office and Planning Inspectorate

7. Following consideration by Government Office and the Planning Inspectorate of a draft of the full LDS, incorporating these amendments, a final version, incorporating minor amendments to reflect further comments, was submitted in March 2005, before the statutory deadline. An outline of the contents and timetable are attached at **Appendices 1 and 2**. Government Office almost immediately gave clearance for the Council to proceed to bring the LDS into effect, without further amendment.
8. A strategic service level agreement with the Planning Inspectorate has been entered into.
9. Not only has new BVPI 200a) referred to later in this report so far been met, but the Council also qualifies for the development plan element of 2005-2006 Planning Delivery Grant, referred to in the report to January Cabinet.
10. The relevant Regulations (The Town and Country Planning (Local Development) (England) Regulations 2004) require the Council as local planning authority to formally resolve that the LDS shall have effect. The Local Authorities (Functions and Responsibilities) (England)(Amendment No 2) Regulations 2004 allow Cabinet that authority.
11. The Regulations also require the Council to specify the date from which the LDS shall take effect. It is suggested that the most appropriate date would be when the Government Office indicated that the Secretary of State did not intend to intervene, ie 10 May 2005
12. The full LDS document, and an outline of the contents and timetable, have been placed on the Council's website.

Statement of Community Involvement - Submission

13. Further to Cabinet's consideration at its meeting on 15 March 2005, and Council's endorsement at its meeting on 7 April 2005, the Statement of Community Involvement (SCI) was submitted to the Government on 28 April 2005. The relevant documents have been placed on the Council's website.
14. The six-week period for receipt of objections expires on 5 June 2005. A Planning Inspector will then consider the Statement and the objections to it, and is expected to report in Autumn 2005.

Core Strategy – Moving Towards Participation on Issues and Alternative Options

15. The next major target LDS milestone for the Council is public participation on preferred options for the Core Strategy (the 'Regulation 26 participation'), scheduled for October 2005. It is proposed that this will be covered in a report to be considered by Cabinet at its meeting on 27 September 2005.
16. Preparatory to this, there is a requirement for issues and alternative options to be considered in consultation with key stakeholders (the 'Regulation 25 consultation'). It is proposed that this should review and build on the following work undertaken in connection with the review of the Borough Local Plan before the new legislation came into force:
 - (a) the Issues Report published in July 2002, further to consideration by Cabinet at its meeting on 18 June 2002 (Min C6(6)/Jun/02)
 - (b) the consideration of the response to the extensive consultation thereon by Environment Scrutiny Committee at its meeting on 26 September 2002 (Min ENV23/Sept/02)
 - (c) the Strategy Papers considered by Cabinet at its meeting on 8 July 2003 (Min C43/Jul/03).
17. All must be subject to strategic environmental appraisal (SEA) and sustainability appraisal (SA), in accordance with the latest guidance.
18. It is proposed that this key stakeholder consultation be launched at a meeting of the Darlington Assembly, currently scheduled for 22 June 2005 at the Central Hall. Members will have an opportunity beforehand to consider the issues and options to be raised, through a Members workshop, and to consider the response to the consultation through Environment Scrutiny Committee, in accordance with the procedure/protocol endorsed by Cabinet at its meeting on 21 September 2004 (Min C81(3)/Sep/04)

Current Position on Legislation, and Government Advice and Guidance since January 2005

19. As at 8 April two further planning policy statements (PPS) had been issued - Delivering Sustainable Development (PPS1) and Planning for Town Centres (PPS6), and the first minerals policy statement (MPS) – Controlling and Mitigating the Environmental Effects of Mineral Extraction in England (MPS2). Two consultations had commenced - Planning for Gypsy and Travellers Sites, and Planning for Mixed Communities. Two good practice guides had been issued – Diversity and Equality in Planning and Local Development Framework Monitoring, together with a guidance note - Employment Land Reviews.
20. The Government has also published the following revised BVPI 200 targets for 2005/2006, reflecting the new development plan arrangements:
 - (a) Did the local planning authority submit the Local Development Scheme (LDS) by 28 March 2005 and thereafter maintain a 3-year rolling programme?
 - (b) Has the local planning authority met the milestones which the current Local Development Scheme (LDS) sets out?

- (c) Did the Local Planning Authority publish an annual monitoring report by December of the last year (this refers to December 2005).

Outcome of Consultation

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

Legal Implications

22. 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

23. 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

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

Decision Deadline

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

Key Decisions

26. 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

27. It is recommended that :-
- (a) The Local Development Scheme for Darlington, as submitted to the Government Office for the North-East on 16 March 2005, takes effect, as from 10 May 2005.
 - (b) The proposed arrangements for consultation with key stakeholders on Core Strategy issues and alternative options, as outlined in this report, be approved.
 - (c) Officers report on the response to the consultation, and on proposed Core Strategy options, to the meeting of Cabinet on 27 September 2005.

Reasons

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

- (a) The Council is required by statute to resolve to bring its Local Development Scheme into force, on a specified date.
- (b) Consideration of, and decisions on, the matters covered is necessary at this stage to assist in meeting the next major Local Development Scheme target milestone for the Council.

John Buxton
Director of Development and Environment

Background Papers

- 1. Letter from Government Office for the North East dated 18 March 2005
- 2. Otherwise none other than those referred to in this report.

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