

**HEREFORDSHIRE UNITARY DEVELOPMENT PLAN:
SAVED POLICIES****Report By: Head of Planning and Transportation****Wards Affected**

Countywide

Purpose

1. To determine a response to the Council's request to the Secretary of State to save policies of the Herefordshire Unitary Development Plan (UDP).

Financial Implications

2. No direct financial implications

Background

3. Under the new planning arrangements the Council is continuing to establish its Local Development Framework. The UDP forms part of the framework as a development plan until replaced by other plan documents (Core Strategy, Hereford Area Plan, Market Towns and Rural Areas Plan). Given that policies in replacement plan documents will not be formally in place and adopted before the date when UDP policies will automatically expire (i.e. March 2010 - three years from the date of UDP adoption), then the Council must apply to the Secretary of State) to retain any UDP policies. Application must be made by 22nd September 2009 (i.e. 6 months before the expiry date).

4. If the Council does not apply to the Secretary of State to retain specified UDP policies beyond March 2010, the UDP would effectively expire on that date and no longer form part of the statutory development plan. This would mean that planning applications would have to be determined on the basis of national guidance and policies within the Regional Spatial Strategy (unless material considerations indicated otherwise) and that the Council's Supplementary Planning Guidance/Documents would no longer form part of the Local Development Framework.

Assessment of policies to be saved

5. The Council has not yet adopted any Development Plan Documents under the new planning system that supersedes current UDP policies. Accordingly, each UDP policy has been assessed against the criteria set out in Planning Policy Statement (PPS) 12 – Local Spatial Planning. In addition regard has been given to the protocol guidance issued by the Department for Communities and Local Government (DCLG), which explains the criteria by which the Government will assess extension requests.

6. In deciding which policies to save or discard, section 9 of PPS12 advises that local authorities will need to demonstrate that the policies they wish to be saved reflect the principles of local development frameworks and are consistent with current national policy. It states that the government will take into account the following criteria in considering whether policies should be saved:

1) where appropriate, there is a clear central strategy;

The protocol asks that, where appropriate, a clear central strategy is in place and that policies to be saved are in conformity with the authority's Core Strategy. The Core Strategy has not been adopted. Until that time – and whilst recognising that the legislation does not make formal provision for saving of development plan components other than the policies themselves – it is proposed that the central strategy set out in Chapter 3 of the Herefordshire Unitary Development Plan (2007) continue to serve this purpose.

2) policies have regard to the Community Strategy for the area;

The Herefordshire Community Strategy has 4 main themes, each with a series of key priorities. The four main themes are:

- Economic Development and Enterprise
- Healthier Communities and Older People
- Children and Young People
- Safer and Stronger Communities

An overall assessment (as opposed to an individual assessment for each policy) was undertaken against criterion 2 given that the UDP is in conformity with the Herefordshire

Community Strategy – a Sustainable Future for the County, as detailed in Chapter 3, paragraph 3.1.3 and 3.1.4 of the UDP.

3) *policies are in general conformity with the Regional Spatial Strategy or Spatial Development Strategy*

Each UDP policy has been tested against the policies of Phase 1 Regional Spatial Strategy for the West Midlands, which was published in January 2008, incorporating a Phase 2 review, which is subject to Examination in Public.

4) *policies are in conformity with the core strategy development plan document (where the core strategy has been adopted);*

As Herefordshire's Core Strategy is not yet adopted, the test stating that '*policies are in conformity with the core strategy development plan document (where the core strategy has been adopted)*' is not applicable.

5) *there are effective policies for any parts of Herefordshire where significant change in the use or development of land or conservation of the area is envisaged;*

A number of areas in Herefordshire are earmarked for significant redevelopment such as the relocation of the cattle market and the Edgar Street Grid redevelopment. This test has been applied to policies with such areas in mind.

6) *policies are necessary and do not merely repeat national or regional policy*

As required by the test, each policy has been cross-referenced against relevant national and regional guidance. Where policies were considered to offer nothing beyond existing higher-level policy, they have been recommended for deletion.

7. In addition PPS12 further states that the Government will have particular regard to:

- Policies that support the delivery of housing, including unimplemented site allocations, up to date affordable housing policies, policies relating to the infrastructure necessary to support housing;

- Policies on Green Belt general extent in structure plans and detailed boundaries in local plans/UDP's;
- Policies that support economic development and regeneration, including policies for retailing and town centres;
- Policies for waste management, including unimplemented site allocations;
- Policies that promote renewable energy; reduce impact on climate change; and safeguard water resources.

8. Advice has been sought from the Government Office of the West Midlands with regards to saving parts of the policies in cases where elements of the policy are fully operational whereas other parts have been overtaken by events. This applies in particular to policy H2, which allocates sites for residential development. The sites listed in the policy fall into three categories, thus:

- Sites that have been developed
- The Bullinghope site for which the allocation was removed by the High Court decision
- The remaining sites which have yet to be developed and which are essential to achieve RSS housing land targets

9. The Government Office has advised that policies can only be saved in their entirety. The policy will need to be saved to retain those allocated sites that have yet to be developed, however those sites, which have been developed, will remain in the policy. With regards to the land at Bullinghope, since the site was removed from the UDP by the High Court, it is no longer part of the Plan and will therefore be deleted from the policy.

10. Finally, and as part of the assessment process a number of workshop sessions have been held with other Council Officers from a number of sections (Development Management, Conservation etc) who have regular involvement in the consideration of planning applications as to the usefulness of current UDP policies.

11. Appendix 1 of the report sets out a summary table of the policies that it is proposed should be saved, having regard to criteria that the Secretary of State will take into account. Appendix 2 sets out a summary table of the policies that it is proposed should not be saved and the reasons why. Appendix 3 provides a detailed assessment of each policy against the criteria set out in PPS12 against which policies to be saved should be assessed.

Additional guidance

12. Along with the Local Development Plan policies set out within Appendix 1 – and whilst recognising that the legislation does not make formal provision for saving of development plan components other than the policies themselves, the Council wishes to retain several SPG (Supplementary Planning Guidance). This process does not enable a review of the contents of the individual SPGs. The SPGs are as follows:

- Planning Obligations – April 2008
- Edgar Street Grid – November 2007
- Shobdon Development Brief – September 2006
- Former Whitecross High School Development Brief – June 2006
- Tanyard Lane, Ross-on-Wye Development Brief – January 2005
- Frome Valley Haulage, Bishops Frome Development Brief – November 2004
- Reuse and Adaptation of Rural Buildings – July 2004
- Landscape Character Assessment – July 2004
- Design and Development Requirements – July 2004
- Biodiversity – July 2004

13. The Council also intends to rely after September 2009 on the Proposals Maps and the central strategy explanation.

14. The report is being presented to the Planning Committee for recommendation to Cabinet. Following agreement of Cabinet, the report will be presented to full Council. This is a key decision, as it will amend the Council's Policy Framework and affects all wards.

RECOMMENDATION:

That Planning Committee recommends to Cabinet:

1. that the Secretary of State considers the reasoned justification set out in this document and make a 'direction' that the requested policies are saved until their replacement by a relevant Local Development Document(s) of the Herefordshire Development Framework; and,

2. The Council further requests that continued use of other identified elements of the former planning system be endorsed, including Proposals Maps and Supplementary Planning Guidance/Documents.