

HEREFORDSHIRE UNITARY DEVELOPMENT PLAN 'SAVED' POLICIES

PORTFOLIO RESPONSIBILITY: ENVIRONMENT AND STRATEGIC HOUSING

CABINET

25 JUNE 2009

Wards Affected

County-wide.

Purpose

This report seeks Cabinet's agreement to submit a proposal to the Government Office for the West Midlands (GOWM) to retain Unitary Development Plan (UDP) policies after 22 March 2010. The legislation requires that the proposed list of policies to be saved must be submitted to the Government Office for the West Midlands six months in advance i.e. by 22 September 2009. Under the provisions of the Planning and Compulsory Purchase Act 2004, UDP policies will cease to apply after this date unless the Secretary of State issues a direction extending their life.

Key Decision

This is a Key Decision because it is likely to be significant in terms of its effect on communities living or working in Herefordshire in an area comprising one or more wards.

It was included in the Forward Plan.

The Decision on which policies to submit to the Secretary of State rests with full Council because the Unitary Development Plan is defined in the Council's Constitution as part of its policy framework.

Recommendations

THAT:

- a) **Cabinet recommends to Council to approve those policies and proposals within the Herefordshire Unitary Development Plan that the Council wish to be saved as set out in Appendix 1 and those not to be saved as set out in Appendix 2 beyond the expiry of the three-year saved period; and**
- b) **the Secretary of State's agreement be sought to issue a direction to this effect.**

Further information on the subject of this report is available from
Yvonne Coleman – Senior Planning Officer on 01432 383083

Reasons

- 1 To ensure that relevant UDP policies are saved beyond the existing plan period.

Considerations

- 2 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, then the Council must apply to the Secretary of State to retain any UDP policies. Application must be made by 22 September 2009 (i.e. 6 months before the expiry date).
- 3 In deciding which policies to save or discard, section 9 of Planning Policy Statement 12 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;*
 - 2) *policies have regard to the Community Strategy for the area;*
 - 3) *policies are in general conformity with the Regional Spatial Strategy or Spatial Development Strategy;*
 - 4) *policies are in conformity with the core strategy development plan document (where the core strategy has been adopted);*
 - 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;*
 - 6) *policies are necessary and do not merely repeat national or regional policy.*
- 4 Along with the Local Development Plan policies set out within Appendix 1, it is proposed that the Council retains several SPG (Supplementary Planning Guidance/Documents). This process does not enable a review of the contents of the individual SPGs. The SPGs proposed for retention are as follows:
 - Planning Obligations – April 2008
 - Polytunnels – 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

- 5 It is also proposed that after September 2009 the Council will continue to rely on the Proposals Maps and the central strategy explanation in the UDP.

Legal Implications

- 6 Until comprehensive Local Development Frameworks have been produced, the saving of policies is an inherent component of the transitional arrangements that have been put in place. The transitional arrangements are partly intended to ensure a planning policy vacuum does not occur in the interim.

Financial Implications

- 7 None identified.

Risk Management

- 8 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 Documents would no longer form part of the Local Development Framework. Whilst planning applications can be determined in accordance with national policies, the UDP policies that are proposed to be saved are important as they are locally specific to Herefordshire. For example, policy H1 - Hereford and the market towns and policy H4 - Main villages, identifies settlement boundaries where development would be acceptable, without those policies there could be the potential for sporadic development into the open countryside.

Alternative Options

- 9 The alternative option is not to extend the UDP policies beyond the plan period.

Consultees

- 10 Local Development Framework Task Group
Herefordshire Council Departments: Development Control Management,
Conservation, Archaeology, Highways & Transportation

Appendices

- 11 Appendix 1: Summary table of saved UDP policies

Appendix 2: Summary table of deleted UDP policies

Appendix 3: Detailed assessment of each policy against the criteria set out in PPS12 against which policies to be saved should be assessed.

Background Papers

- Planning and Compulsory Purchase Act 2004

- DCLG 'Protocol for handling proposals to save adopted Local Plan, Unitary Development Plan and Structure Plan Policies beyond the three year saved period'
- ODPM 'Planning Policy Statement 12: Local Development Frameworks'
- Regional Spatial Strategy for the West Midlands
- Herefordshire Unitary Development Plan 2007
- The Community Strategy for Herefordshire – A Sustainable Future for the County
- Planning Policy Guidance/Statement 1 – 25
- Mineral Planning Guidance/Statement 1 - 15