

Item 4

REPORT TO DEVELOPMENT CONTROL COMMITTEE

12 October 2007

REPORT OF DIRECTOR OF NEIGHBOURHOOD SERVICES

Portfolio: Planning and Development

Local Plan Policies Saved beyond 27th September 2007

1 SUMMARY

- 1.1 The provisions of the Planning and Compulsory Purchase Act 2004 allow the existing Local Plan policies to be automatically saved for three years until 27th September 2007. However, the Government has realised that it is taking longer than they expected to prepare Local Development Frameworks. Therefore, the Government made provisions for Local Authorities to apply to the Secretary of State to “save” or “delete” the existing Local Plan policies. These provisions were outlined in a letter to Chief Executives on 11th August 2006. The Borough Council’s Cabinet considered this issue on 29th March 2007.
- 1.2 On 31st August 2007, the Secretary of State placed a Direction under Paragraph 1(3) of Schedule 8 of the Planning and Compulsory Purchase Act 2004 upon the Borough Council. This Direction relates to the Local Plan Policies to be “saved” after 27th September 2007. Local Plan Policies not listed in this Direction will expire after this date.

2 RECOMMENDATION

- 2.1 That Development Control Committee note the attached proposed list of saved Local Plan policies.

3 THE PROPOSED LOCAL PLAN POLICIES TO BE ‘SAVED’ BEYOND 27th SEPTEMBER 2007

- 3.1 The Planning and Compulsory Purchase Act 2004 introduced a new planning system, which requires Local Authorities to replace the existing Sedgefield Borough Local Plan with the Local Development Framework (LDF). Under the Act, all Local Plan policies were automatically saved for three years until 27th September 2007.

- 3.2 Under the provisions outlined by Government last year, the Council was able to apply to the Secretary of State to “save” or “delete” existing Local Plan policies. This was to ensure that there are still local policies for Development Control Officers and Development Control Committees to determine planning applications whilst the Local Development Framework is being prepared. The Council submitted its list of “saved” policies to Government Office for the North East following the endorsement by Cabinet on 29th March 2007.
- 3.3 The Secretary of State’s Direction setting out which policies are to be saved was issued on 31st August 2007. A full list of saved policies can be found, together with the covering letter from the Government Office for the North East, in Appendix 1 to this report. Policies not listed in the Direction expired on the 27th September 2007 and can no longer be used in the determination of planning applications.

4 RESOURCE IMPLICATIONS

- 4.1 There will no resource implications.

5 CONSULTATIONS

- 5.1 The list of policies to be “saved” or “deleted” was produced in conjunction with Development Control Officers. Where necessary, discussions were held with Economic Development, Sustainable Communities Team and Durham County Council. The list of policies to be saved or deleted was considered by the Council’s Management Team and Cabinet before being submitted to Government Office for the North East.

6 OTHER MATERIAL CONSIDERATIONS

Links to Corporate Objectives / Values

The publication of the document will help meet Corporate Aim 25, which is to provide a high quality, efficient and customer focussed Planning Service that supports sustainable improvement of the built and natural environment of the Borough.

6.1 Legal Implications

The document was prepared to meet the Government’s Protocol for handling proposals to save adopted Local Plan, Unitary Development Plan and Structure Plan policies beyond the 3 year saved period. The Secretary of State issued a Direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 to save those listed policies. The remaining policies not listed in the Direction expired on 27th September and can no longer be used to determine planning applications.

6.2 Risk Management

There are no risk management issues.

6.3 Health and Safety Implications

No additional implications have been identified.

6.4 Sustainability

There is no requirement to undertake Sustainability Appraisal.

6.5 Equality and Diversity

The proposed “saved” and “deleted” policies will be made available in alternative languages, Braille or in audio format where requested, and will be placed on the website in pdf format.

6.6 Social Inclusion

No issues have been identified.

6.7 Procurement

There are no procurement issues.

7 **OVERVIEW AND SCRUTINY IMPLICATIONS**

7.1 None.

8 **LIST OF APPENDICES**

Appendix 1 – The Secretary of State’s Direction.

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Ward(s): All

Key Decision Validation: This is a Key Decision as a decision made by Cabinet in the course of developing proposals to Council to amend the **policy framework**.

Background Papers

Planning Policy Statement 12: Local Development Frameworks
Protocol for handling proposals to save adopted Local Plan, Unitary Development Plan and Structure Plan policies beyond the 3 year saved period

Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Councils Head of the Paid Service or his representative	<input type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Councils S.151 Officer or his representative	<input type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input type="checkbox"/>	<input type="checkbox"/>