



Report of the Director of City Development

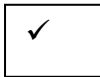
Executive Board

Date: 14 January 2009

Subject: UDP Review 2006 "Saved" Policies Assessment

Electoral Wards Affected:

All



Ward Members consulted
(referred to in report)

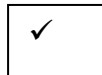
Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In



Not Eligible for Call In

(Details contained in the report)



EXECUTIVE SUMMARY

Under the Planning & Compulsory Purchase Act 2004 (which introduced the Local Development Framework), transitional arrangements enable local planning authorities to "save" or "delete" existing Development Plan policies (adopted as part of the UDP) until replaced by the Local Development Framework. The City Council has previously undertaken this exercise regarding the UDP and this report concerns proposals to "save" or "delete" policies adopted as part of the UDP Review (July 2006). Unless saved these policies will otherwise lapse on the 18 July 2009. These proposals have previously been considered and endorsed by Development Plan Panel on 2 December 2008.

1.0 PURPOSE OF THIS REPORT

- 1.1 To set out the conclusions of an assessment, undertaken in accordance with government advice, of UDP policies introduced or updated as part of the UDP Review 2006, and to recommend approval of which planning policies should be "saved" and which should be "deleted".

2.0 BACKGROUND INFORMATION

- 2.1 The Planning and Compulsory Purchase Act 2004 provides for existing development plan policies to be automatically "saved" for 3 years, whilst local authorities are preparing their Local Development Frameworks (LDFs). The 3 year period began at the formal Commencement of the Act (28th September 2004) for

previously adopted plans, or at the point of adoption for 'old style' plans & policies since then.

- 2.2 As far as Leeds was concerned, policies not affected by the review of the UDP, were automatically saved until 27th September 2007, whereas those policies which were amended as part of the UDP Review (adopted by the City Council on 19th July 2006) are saved until 18th July 2009. At the end of the relevant 3 year period policies can be saved indefinitely or until they are replaced by the LDF, subject to the approval of the Secretary of State.
- 2.3 Members will recall that a report setting out conclusions of a review of UDP Policies was brought to Development Plan Panel on 27th February 2007. The report, which recommended that 554 policies be "saved" and 131 policies be "deleted", was approved by Development Plan Panel and Executive Board. These recommendations were subsequently approved by the Secretary of State and the policies were formally "saved" or "deleted" as of 27th September 2007. At this time, 198 policies were automatically "saved" until July 2009 because they were new or updated as part of the UDP Review.
- 2.4 The 3 year automatically "saved" period for policies updated in the UDP review is drawing to a close and there has been a need for these policies to be reassessed to determine which policies need to be "saved". The Department for Communities and Local Government (DCLG) published a protocol in August 2006 which explains how requests to save policies in old style plans will be handled and sets out how decisions will be made on whether or not to save policies.
- 2.5 Local Planning Authorities (LPA) are required to submit a list of saved policies and their intentions for them to the Government Office six months before the expiry date, which in this case is 18th January 2009. The list should be in two distinct parts:
- Those policies the LPA wishes to extend beyond the 3 years saved period, and
 - Those policies the LPA does not wish to see saved beyond the 3 years saved period.
- 2.6 The choice available to LPA's is either to "save" or "delete" policies. Policies can not be modified in any way as part of this process.
- 2.7 Furthermore, it should be noted that no opportunities exist for public comments/objections even though policies may have come about as a result of representations and debate at UDP Review Inquiry in the first place.

3.0 METHODOLOGY

- 3.1 Officers have carried out an assessment of all UDP policies to provide an indication of which ones should be "saved" or not. The criteria used in making these judgements were taken from the DCLG protocol, PPS12 (LDFs) and the Companion Guide to PPS12 (Creating LDFs). These are listed below;
- Is the policy consistent with current national planning policy?;
 - Is the policy in general conformity with the Regional Spatial Strategy?;
 - Does the policy merely repeat national or regional policy?;
 - Is it feasible or desirable to replace policy by 18th July 2009?;
 - Is there a clear central strategy?;
 - Does the policy have regard to the Community Strategy?;

- Is the policy in conformity with the core strategy DPD (where the core strategy has been adopted)?;
- There are effective policies for any parts of the authority's area where significant change in the use or development of land or conservation of the area is envisaged (i.e. would deletion leave a policy vacuum for areas of significant change)?;
- Is the policy effective in addressing local needs, issues and aspirations?;
- Is there continued stakeholder/community support for the policy?;
- Can the policy be implemented through planning?;
- Does the policy support the delivery of housing, including unimplemented site allocations, up to date affordable housing policies, policies relating to the infrastructure necessary to support housing?;
- Is the policy on Green Belt general extent in structure plans and detailed boundaries in local plans/UDPs?;
- Is there value in maintaining consistent policy approaches from a long-term perspective, e.g. GB, open space, etc?;
- Does the policy support economic development & regeneration, including policies for retailing & town centres?;
- Is the policy on waste management, including unimplemented site allocations?;
- Is the policy promoting renewable energy; reducing impact on climate change; and safeguarding water resources?

3.2 This assessment, originally undertaken in late 2006, involved consultation and input from officers across the Council and specifically from City Development including input from Planning and Development Services (Planning and Highways Development control officers), Highways Strategy, the Access officer and officers from the Sustainable Development Unit. The assessment has been updated to reflect any subsequent changes to national and regional planning policies and progress made on adopting LDF documents.

3.3 The findings are set out in the table appended to this report (Appendix A & B). Please note that these tables follow the summary schedule as required by the Government Office and therefore do not include all of the criteria mentioned above.

3.4 Each policy has been assessed against the above criteria hence leading to the recommendation whether a policy should be deleted or not. In some instances where a policy/site proposal has been implemented it has not been recommended for deletion because reference to these sites are made elsewhere in the plan where the decision has been made to save the policy. For example, housing allocations/proposals in area chapters may have been implemented but as a result of reference of these sites in Chapter 7 (Housing) under Policy H3, which is being saved, each one of these will have to be saved in its entirety until replaced by policies through the LDF.

4.0 CONCLUSIONS

4.1 Following the above assessment, in total there are 198 policies that were introduced or updated as part of the UDP Review. Of these;

- 196 policies should be "saved"
- 2 policies should be "deleted"

4.2 Given that the UDP Review policies are relatively new and no Development Plan Documents (such as the Core Strategy or Area Action Plans) have been adopted to

date under the LDF, the general approach has been to recommend the policies are saved until they can be addressed/replaced through the LDF. This will ensure that there is no policy vacuum before LDF documents can be adopted.

- 4.3 The exceptions relate to the two community involvement policies GP9 and GP10. The provisions of Policy GP9 (community involvement) are now fully reflected in much greater detail in the Statement of Community Involvement, which was adopted in February 2007 as part of the LDF. The deletion of the policy would not therefore leave a policy vacuum and it would not need to be picked up in other LDF documents. Policy GP10 (monitoring of the ethnic origin of planning applicants) is a procedural policy rather than a policy which is used to determine planning applications. It is therefore not the type of policy that would be appropriate to include in a future LDF document, given that the SCI has fully addressed community involvement issues. Its deletion would not leave a policy vacuum and monitoring of planning applicants can continue to be carried out using internal procedures.

5.0 IMPLICATIONS FOR COUNCIL POLICY AND GOVERNANCE

- 5.1 There are no implications for Council policy and governance.

6.0 RECOMMENDATIONS

- 6.1 Following consideration by Development Plan Panel on 2 December, Executive Board is recommended to:
- i) Approve proposals to save and delete UDP (Review 2006) policies as set out in the Appendix.
 - ii) Recommend that the proposals to save and delete UDP (Review 2006) policies as set out in the Appendix be submitted for approval to the Secretary of State.

Background Papers

UDP Review July 2006