



Report of the Director of Development

Executive Board

Date: 14 March 2007

Subject: UDP "Saved" Policies Review

Electoral Wards Affected:

All

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

The Planning and Compulsory Purchase Act 2004 provides for existing development plan policies to be automatically "saved" for at least 3 years, whilst local authorities are preparing their Local Development Frameworks. We are now coming to the end of the 3 year period for policies not affected by the UDP review. With approval of the Secretary of State, policies can be saved until they are replaced by the LDF. This report requests members to consider and agree the report on which planning policies of the UDP should be "saved" and which should be "deleted" and to recommend that the proposals be submitted to the Secretary of State.

1.0 PURPOSE OF THIS REPORT

1.1 Following consideration by Development Plan Panel (27 February 2007) who recommended approval members of Executive Board are requested to consider and agree the report on which planning policies of the UDP should be "saved" and which should be "deleted" and to recommend that the proposals be submitted to the Secretary of State.

2.0 BACKGROUND INFORMATION

2.1 The Planning and Compulsory Purchase Act 2004 provides for existing development plan policies to be automatically "saved" for at least 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 will begin at the point of adoption for 'old style' plans & policies since then. The Leeds UDP Review was adopted by the City Council on 19th July 2006.

- 2.2 As far as Leeds is concerned policies, not affected by the review of the UDP, are saved until 27th September 2007, whereas those policies which have been amended as part of the recent UDP Review will be saved until 18th July 2009.
- 2.3 Within the above context the 3 year period for policies not affected by the UDP review is drawing to a close and therefore needs to be assessed. With approval of the Secretary of State, policies can be saved indefinitely or until they are replaced by the LDF. The Department for Communities and Local Government (DCLG) have 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.
- 2.4 Local Planning Authorities (LPA) are required to submit a list of saved policies and their intentions for them to the Government Office by 1 April 2007. The list should be in two distinct parts:
- Those saved policies the LPA wishes to extend beyond the 3 years saved period, and
 - Those saved policies the LPA does not wish to see saved beyond the 3 years saved period.
- 2.5 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.
- 2.6 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 Inquiry in the first place.
- 2.7 LPA's will need to ensure that any revisions to Local Development Schemes take account of the approach taken to the question of saved policies, and of the government's response to it.

3.0 METHODOLOGY

- 3.1 Officers have carried out an assessment of all UDP policies to provide an indication of which ones will 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 27th Sept 2007?;
 - 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 a 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 has involved consultation and input from officers across the Council and specifically from the Development Department including input from Planning & Development Services (Planning and Highways development control officers), Highways Strategy, the Access officer and officers from the Sustainable Development Unit.

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, these will have to be saved in its entirety until they are replaced by policies through the LDF.

4.0 CONCLUSIONS

4.1 Following the above assessment, in total there are 685 policies in the UDP. Of these;

- 554 policies will be “saved”
- 131 policies will be “deleted”

4.2 Of the 554 policies to be saved 181 policies have been automatically “saved” as they have been amended as part of the recent Leeds UDP Review.

4.3 Generally the main reasons for deletion were that these policies would not create a policy vacuum whilst the LDF is being prepared and they are stand alone policies that do not affect the scope and intent of other policies in the plan.

5.0 IMPLICATIONS FOR COUNCIL POLICY AND GOVERNANCE

5.1 There are no implications for Council policy and governance.

6.0 RECOMMENDATIONS

6.1 The Executive Board is requested to:

- i) Approve proposals to save and delete UDP policies as set out in the Appendix.
- ii) The proposals to save and delete UDP policies as set out in the Appendix are submitted to the Secretary of State.

Appendix A

Proposed UDP policies to be “saved” beyond September 2007

Appendix B

Proposed UDP policies to be “deleted” in September 2007