

WYRE FOREST DISTRICT COUNCIL

CABINET MEETING
22ND FEBRUARY 2007

Wyre Forest District Local Plan: Policies to be Saved Beyond
September 2007

OPEN	
COMMUNITY STRATEGY THEME:	A Better Environment
CORPORATE PLAN THEME:	Managing the Local Environment
KEY PRIORITY:	Forward Planning
CABINET MEMBER:	Councillor Anne Hingley
RESPONSIBLE OFFICER:	Head of Planning, Health and Environment
CONTACT OFFICER:	Maria Dunn (2551) Maria.Dunn@wyreforestdc.gov.uk
APPENDICES	Appendix 1 - Recommended response to DCLG Protocol <i>The appendix to this report has been circulated electronically and a public inspection copy is available on request. (See front cover for contact details.)</i>

1. PURPOSE OF THE REPORT

- 1.1 To seek agreement to the submission of a request to the Secretary of State for Communities and Local Government to save appropriate Local Plan policies beyond September 2007.

2. RECOMMENDATION

The Cabinet is asked to RECOMMEND to Council:

- 2.1 **The response to the Protocol issued by the Department for Communities and Local Government on saving Local Plan policies under the Planning and Compulsory Purchase Act 2004, as set out in Appendix 1 to the Cabinet Report, be approved for submission to the Government Office for the West Midlands by 1st April 2007.**

3. BACKGROUND

- 3.1 The introduction of the Local Development Framework (LDF) system has resulted in a period of transition. The existing District Local Plan was automatically saved as part of the Statutory Development Plan for the area for three years from the commencement of the 2004 Act, i.e. until September 2007. However, since no Local Planning Authority has been successful in putting an LDF into place, a Protocol was issued by the Department for Communities and Local Government (DCLG) in August 2006 explaining the procedure that Local Planning Authorities must follow to request that policies be saved from the existing Local Plan until they can be replaced.
- 3.2 As a result, Local Planning Authorities have to make a request to the Secretary of State to issue a direction under the Planning and Compulsory Purchase Act 2004 Schedule 8(1(3)) to save the policies in current Local Plans. In order to do this, Local Planning Authorities have to submit a list of those policies which they wish to see saved beyond September 2007 and a list of those that they do not wish to save beyond that date to their relevant regional Government Office by 1st April 2007.
- 3.3 Local Planning Authorities have to demonstrate that those policies which are requested to be saved meet certain criteria. They have to be in general conformity with the current national and regional policy; reflect the principles of LDFs; and it has to be infeasible or undesirable to replace them by 2007. The County Council is currently going through this process with the Structure Plan, and is considering requesting that all of the policies within it are saved beyond September 2007. However, the Government Office for the West Midlands (GOWM) has clearly indicated that there is an expectation on Local Planning Authorities to reduce the number of saved policies.
- 3.4 The Local Plan policies have been considered against the criteria set out above. Appendix One sets out in two separate tables, those policies which are recommended to be requested to be saved beyond September 2007, and those policies which are not recommended to be requested to be saved beyond this time. The proposals have been prepared with regard to the Protocol. Consideration has also been given to the number of times the policies have been used since January 2003.

4. KEY ISSUES

- 4.1 The following are some of the key issues which the Protocol raises for the District:
- The District Council's Local Plan was adopted in January 2004, since this date there have been a number of changes in national planning policy as a result of the move from Planning Policy Guidance Notes (PPGs) to Planning Policy Statements (PPSs).

Despite this, no major inconsistencies have been identified between the District Local Plan and the latest national planning policy.

- There is a clear indication from GOWM that there is an expectation to reduce the number of policies in the Local Plan, however, as no Core Strategy is yet in place for the District and no other Local Development Documents have yet been produced, no policies have been superseded by LDF documents. Therefore, it is considered essential that the majority of the policies in the Adopted Local Plan are retained so that they can guide development in the District until such a time when the LDF can replace the Local Plan completely.
- Requests to save Local Plan policies beyond September 2007 must be received by the GOWM by 1st April 2007. The Secretary of State will consider such requests before issuing a formal direction listing policies to be saved. If no such request is made the Secretary of State will direct the District Council as to which policies are to be saved and which are to be deleted. The District Council will have to accept this decision until the LDF replaces the Local Plan.

5. PROPOSALS

- 5.1 The proposals set out in Appendix One include a covering letter and two tables. The covering letter emphasises that the policies of the Local Plan all strive to achieve the central development strategy set out in Chapter Two of the Local Plan, and that they are consistent with the Adopted Community Strategy for the District (2004-2014) and play a key part in delivering its vision.
- 5.2 The first table sets out the policies from the Local Plan which are recommended to be requested to be saved. The table includes evidence to show that these policies are in accordance with current national planning policy and guidance, as well as current regional planning policy.
- 5.3 The second table details those policies which the Council does not recommend saving beyond September 2007. These policies are either no longer considered to be relevant or they are covered by other policies in the Local Plan.
- 5.4 There are currently 238 policies in the Local Plan. Of these, 217 policies are requested to be saved beyond September 2007 and 21 policies are not requested to be saved.

6. CONCLUSIONS

- 6.1 Requesting to save those policies from the Local Plan which meet the criteria set out in the DCLG protocol will, subject to acceptance by the Secretary of State, allow the Council to continue to use these policies as the basis for Development Control decisions until the LDF is in place.

7. FINANCIAL IMPLICATIONS

- 7.1 There are no financial implications arising from this report.

8. LEGAL AND POLICY IMPLICATIONS

- 8.1 The District Council is required to respond to the Protocol issued by the DCLG. Should the District Council fail to respond, the Secretary of State will direct the Council as to which policies will be saved and which will be deleted.

9. RISK MANAGEMENT

- 9.1 In light of the above legal implications, it is essential that the District Council submits a response to the Protocol to GOWM by the 1st April 2007 for the Secretary of State to consider. A failure to do so would risk the Secretary of State deleting policies from the Local Plan which the District Council wishes to request to be saved.

10. CONSULTEES

- 10.1 Development Control Manager
- 10.2 Head of Legal and Democratic Services
- 10.3 Government Office for the West Midlands

11. BACKGROUND PAPERS

- 11.1 Protocol for handling proposals to save adopted Local Plan, Unitary Development Plan and Structure Plan policies beyond the 3 year saved period (DCLG, August 2006)
- 11.2 Wyre Forest District Adopted Local Plan (2004)
- 11.3 Regional Planning Guidance for the West Midlands (2004)
- 11.4 All national Planning Policy Guidance Notes and Planning Policy Statements (ODPM/DCLG)

24.1.07