



Application to Secretary of State to Save Policies of the City of Derby Local Plan Review

SUMMARY

- 1.1 The City of Derby Local Plan Review (CDLPR) was adopted on 25 January 2006. Under transitional arrangements for the new planning system set out in the Planning and Compulsory Purchase Act 2004, its policies remain in force only until January 2009. After this time these policies will expire.
- 1.2 In order to prevent a policy vacuum until the Local Development Framework is in place, Local Authorities can seek to retain policies beyond their expiration date by applying to the Secretary of State. This is achieved by providing the Government Office with a schedule of policies, setting out the Council's recommendations and justification, in respect of whether each policy should be 'saved'.
- 1.3 The schedule must be submitted at least 6 months prior to the expiration date. The Secretary of State will then issue a direction confirming which policies can be 'saved'. Appendices 2 and 3 identify all policies within the CDLPR and assess them against the criteria set out in the Government's protocol on how to save Local Plan policies. Appendix 2 identifies those policies which are recommended to be saved. Appendix 3 identifies those which are not. Most policies are recommended to be saved. Generally, those which are not are because they have now expired (such as housing proposals which have been built) or where they simply repeat national policy guidance (such as the telecommunications policy).

RECOMMENDATION

2. To recommend to Council that the schedule of policies in Appendix 2 is submitted to the Government Office for the East Midlands (GOEM) for the Secretary of State's consideration as the City Council's application to save policies of the City of Derby Local Plan Review.



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SUPPORTING INFORMATION

- 1.1 The City of Derby Local Plan Review (CDLPR) was adopted on 25 January 2006. Under transitional arrangements of the Planning and Compulsory Purchase Act 2004, its policies only remain in force for three years from the date of adoption. Without any form of intervention, therefore, the policies in the CDLPR will cease to be in force after 25 January 2009.
- 1.2 In order to prevent a policy vacuum until the new Local Development Framework is in place, the Secretary of State can direct policies to be saved for longer than 3 years under certain circumstances. The Government has published a protocol on how to save policies in 'old style' Local Plans. The process requires the local planning authority to assess its policies against a number of criteria, including whether;
 - Where appropriate, there is a clear central strategy
 - Policies have regard to the Community Strategy
 - Policies are in general conformity with the Regional Spatial Strategy
 - Policies are necessary and don't repeat national or regional policy
 - There are effective policies for any parts of an authority's area where significant change in the use or development of land or conservation of the area is sufficient.
- 1.3 There is also a number of issues to which the Government will have particular regard in assessing whether a policy should be saved. Examples include policies that support the delivery of housing, policies on Green Belt boundaries, policies that support economic regeneration or that reduce impact on climate change and safeguard water resources.
- 1.4 In due course, all policies in the CDLPR will be replaced by new policies in the Local Development Framework (LDF). These will include the City-wide Core Strategy and a site specific land allocations document. However, none of the LDF documents are due to be adopted before 2010. Therefore, it will be important to seek to 'save' any CDLPR policies that will be needed to determine planning applications and guide development in the meantime.
- 1.5 All CDLPR policies have been assessed against the criteria set out in the Government's protocol. The majority of policies remain relevant and are consistent with the requirements of the protocol. All such policies are recommended to be saved and are identified in Appendix 2. A small number of policies repeat national and regional guidance or are for sites that have been fully developed. In these circumstances, it is recommended that the policies are not saved and thus are no longer required. These are highlighted in the schedule attached as Appendix 3.

- 1.6 It is a requirement that schedules of policies should be submitted to the relevant Government Office at least 6 months in advance of the expiration date, which would be by no later than 24 July 2008.

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Background papers: City of Derby Local Plan Review
Department for Communities and Local Government
Protocol for handling proposals to save adopted Local Plan, Unitary
Development Plan and Structure Plan policies beyond the 3 year saved
period.

List of appendices: Appendix 1 – Implications
Appendix 2 – Schedule of Policies to be Saved
Appendix 3 – Schedule of Policies Not to be Saved

IMPLICATIONS

Financial

1. None.

Legal

2. The submission of a schedule of policies recommended to be saved 6 months in advance of the expiry date is required as part of the Planning and Compulsory Purchase Act 2004.

Personnel

3. None.

Equalities impact

- 4 Many of the policies recommended to be 'saved' have implications for reducing social exclusion, reducing poverty, ill health and the effects of disability, and providing access to homes and facilities.

Corporate Priorities

5. The proposal furthers the Council's objectives of making us proud of our neighbourhoods, creating a 21st Century City Centre, leading Derby towards a better environment and helping us to be healthy, active and independent.