



Agenda item:

[No 1]

Cabinet

On 16 December 2008

Report Title.

Saving Unitary Development Plan Policies

Report authorised by **Niall Bolger, Director of Urban Environment**

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Wards(s) affected: **ALL**

Report for: **Key Decision**

1. Purpose of the report (That is, the decision required)

1.1 This report provides an explanation as to why the Council must request the Secretary of State to save the Unitary Development Plan (UDP) policies beyond July 2009, and proposes which UDP policies should be saved and why.

1.2 Haringey's Unitary Development Plan (UDP) was adopted in July 2006, following the introduction of the Planning and Compulsory Purchase Act (2004), and the UDP policies were automatically 'saved' for three years, that is they remain in force until July 2009. As the statutory development plan for the Borough, the key function of the UDP is to provide a starting point in the consideration of planning applications for the development or use of land.

1.3 In accordance with the Planning and Compulsory Purchase Act (2004), Haringey is currently developing its Local Development Framework. As the UDP policies are currently 'saved' to July 2009, it is necessary to consider policy coverage beyond this period, to ensure that development control policies are in place as the Local Development Framework (LDF) develops.

1.4 For the policies in the UDP to be saved after July 2009, the Secretary of State (SoS) must make a Direction to save the policies beyond this date. Without such a Direction, there will be no statutory planning policies applying in the Borough, except for the London Plan, with which

to determine planning applications.

1.5 Guidance was released by the Department for Communities and Local Government (see Appendix 2) which informs local planning authorities on how to save policies. This guidance requires the Council to apply to the SoS requesting a direction to save the policies. Accordingly, the Council has to submit a list of those UDP policies it wishes to save to the Secretary of State by February 2009, to ensure that they are approved by July 2009.

2. Introduction by Cabinet Member (if necessary)

2.1 This Report identifies the protocol for saving adopted Unitary Development Plan Policies beyond the 3 year saved period of June 2009. The attached schedule identifies those policies to be saved and those to be deleted.

3. State link(s) with Council Plan Priorities and actions and /or other Strategies:

- 3.1 Saving the proposed UDP policies identified in the attached schedule (see Appendix 1) will ensure that development control policies are in place beyond the expiry date of the adopted UDP, that is July 2009.
- 3.2 The approval of the adopted UDP policies which it is proposed to save will contribute to the practical achievement of all five **Council Priorities** as it will ensure that development control policies are in place as the LDF develops, and will provide a statutory planning framework against which planning applications can be assessed.
- 3.3 The saving of the proposed UDP policies is consistent with and supports the main Council strategies including the Community Strategy, the Council Plan and the Regeneration Strategy. The attached schedule (see Appendix 1) provides detail on those policies it is proposed to save and identifies where a policy supports Council strategies. Those policies that it is proposed to delete have been superseded by more recent Council or London Plan policy.
- 3.4 If policies are not saved there will be no statutory policy basis for determining planning applications other than national guidance and the London Plan, which will lead to decisions being made on an inconsistent basis, resulting in more decisions being subject to appeal and rising costs to Council. The submission of the proposed UDP policies to be saved to the SoS by February 2009 will enable their approval by July 2009, thereby ensuring that there is a statutory framework in place against which planning applications can be assessed.

4. Recommendations

4.1 That the Cabinet is asked to:

- 4.1 Recommend to Council that they request the Secretary of State to save the UDP policies as indicated in the attached Schedule (see Appendix 1) to this report.
- 4.2 That Cabinet be aware that the GLA have identified two policies (**-.ENV9: Mitigating climate change: energy efficiency and ENV10: Mitigating climate change: renewable energy**) which are no longer in general conformity with the London Plan, and are therefore not

recommended to be saved. Both contain references to a 10% renewable energy target. The 10% renewable target in the London Plan (2004) was superseded by a 20% target as part of the Further Alterations to the London Plan, which were adopted in February 2008. References to a 10% target are therefore no longer in general conformity.

5. Reason for recommendation(s)

- 5.1 As the statutory development plan for the Borough, the key function of the UDP is to provide a starting point in the consideration of planning applications for the development or use of land. Without the UDP policies planning applications would be determined using national guidance and London Plan policy only.
- 5.2 The adopted UDP policies will expire in July 2009, and it is necessary to submit the UDP policies that it is proposed to save beyond July 2009 to the SoS for approval in order that development control policies are in place beyond this period.

6. Other options considered

- 6.1 The SoS has issued a protocol for saving policies which is attached as Appendix 2. This requires that each policy in the UDP should be identified and a reason given as to whether or not the policy should be saved. The protocol sets out the criteria for assessing whether or not policies should be saved and identifies the principles and priorities which the SoS will have regard to when reaching a decision. In drawing up the schedule attached as Appendix 1 to this report, officers have considered the criteria set in the protocol and also whether particular policies are used or referred to in determining planning applications. The schedule is set out chapter by chapter as identified in the UDP.
- 6.2 Officer's recommendations are that most of the UDP policies should be saved. It is generally those policies which are repetitive of London Plan policy or existing UDP policy, or which have been superseded by more recent Council or London Plan Policy, which are considered unnecessary. As Haringey's adopted UDP is relatively new, there are very few policies which do not conform to either national guidance or the London Plan.

7. Summary

- 7.1 The Planning and Compulsory Purchase Act 2004 ('the Act') introduced the new Local Development Framework system of plan-making. Under the Act, Haringey's Unitary Development Plan (UDP), which was adopted in July 2006, is valid for three years from the date of adoption, that is until July 2009.
- 7.2 This means that the policies in the UDP will no longer be saved after July 2009 unless the SoS makes a Direction to save the policies beyond this date. Without such a Direction, there will be no statutory planning policies applying in the Borough, except for the London Plan, with which to determine planning applications.

7.3 The SoS has issued a protocol for saving policies which is attached as Appendix 2. The protocol requires that each policy in the UDP should be identified and a reason given as to whether or not the policy should be saved. The protocol sets out the criteria for assessing whether or not policies should be saved and identifies the principles and priorities which the SoS will have regard to when reaching a decision. Requests to save policies will be scrutinised by the SoS and a decision will be made to approve the request based on compliance with the criteria.

7.4 In drawing up the schedules attached as Appendix 1 to this report, officers have considered the criteria set in the protocol and also whether particular policies are used or referred to in determining planning applications. The schedule is set out chapter by chapter as identified in the UDP.

7.5 Officer's recommendations are that most of the UDP policies should be saved. It is generally those policies which are repetitive of London Plan policy or existing UDP policy which are considered unnecessary. Those proposed to be deleted are identified in the following table.

Summary of policies proposed to be deleted

Subject	Comment
Water conservation	Repeats UD2 (j) Does not add anything in terms of policy.
Density Standards	Outdated reference to London Plan - London Plan Density Matrix is Table 3A.2 rather than 4B.1. Parking standards now outlined in Annex 4 of the London Plan. London Plan Policy 3A.3 Maximising the potential of sites - provides for higher density development on sites compatible with local context, design principles and public transport capacity.
Improvements	List of infrastructure is outdated – New list provided in London Plan Table 3C.1
Pedestrians and cyclists	Repetition of M3 (c) which refers to the design and location of buildings on encouraging walking and cycling.

7.6 As Haringey's adopted UDP is relatively new, there are very few policies which do not conform to either national guidance or the London Plan. The primary consideration in reaching a recommendation is whether or not a particular policy is necessary to guide development. Where it is considered necessary then as well as being saved it is also likely to be carried forward in some form into the LDF.

8. Chief Financial Officer Comments

8.1 There are no significant financial implications arising from this report. Any relevant residual costs in relation to storage media will need to be managed within the approved budget for Planning and Regeneration business unit.

9. Head of Legal Services Comments

9.1 The Head of Legal Services comments that under the Planning and Compensation Act 2004 Unitary Development Plan policies are saved for 3 years from the date the

plan was adopted. The Secretary of State has powers to make a direction to save specified policies beyond the 3 year period and these powers are exercised by the Regional Government Office. In considering whether to extend a saved policy the Government Office will give reasons for its decision where the Government Office has had to adjudicate between two parties in deciding whether to make a direction. All saved policies should be in general conformity with the London Plan and it is important to receive the endorsement of the GLA to the saved policies to avoid the risk of Secretary of State adjudication.

9.2 In view of the objection of the GLA it is recommended to delete policies ENV9 and ENV10 and rely on the London Plan Policies. Circular 1/2008 Strategic Planning in London emphasises that the later adopted policies in the Development Plan (comprising either the UDP and the London Plan) take precedence over the earlier policies. In practice the 20% renewable energy policy in the London Plan has to be applied flexibly in the light of practical and viability considerations

10. Head of Procurement Comments –[Required for Procurement Committee]

11. Equalities and Community Cohesion Comments

11.1 A number of policies in the UDP are aimed at meeting the needs of different groups within the local community. It is proposed that these policies are saved where there continues to be a need for them.. These are adopted UDP policies which are proposed to be saved (see Appendix 1) and it is not proposed to delete any policies which contribute to a cohesive community. Where policies are considered necessary to be carried forward into the Local Development Framework they will be subject to an Equalities Impact Assessment as the LDF develops.

12. Consultation

12.1 Development Control have confirmed they are happy with the list of saved policies.

12.2 Transport requested changes to the wording of a specific policy. However the protocol for saving policies does not include revisions to existing policies, this will be addressed through the production of the Local Development Framework Plan.

12.3 The Greater London Authority (GLA) has indicated they will be looking at the issue of whether the Councils saved policies are in “general conformity” with the London Plan.

13. Service Financial Comments

13.1 There are no significant financial implications arising from this report. Any relevant residual costs in relation to storage media will need to be managed within the approved budget for Planning and Regeneration business unit.

14. Use of appendices /Tables and photographs

14.1 Appendix 1 – Schedule of UDP policies proposed to be saved or deleted.

14.2 Appendix 2 – DCLG's 'Protocol for handling proposals to save adopted Local Plan, Unitary Development Plan and Structure Plan policies beyond the 3 year saved period' (August 2006).

15. Local Government (Access to Information) Act 1985

15.1 DCLG's '*Protocol for handling proposals to save adopted Local Plan, Unitary Development Plan and Structure Plan policies beyond the 3 year saved period*' (August 2006).

Haringey's Unitary Development (July 2006)

The London Plan (Consolidated with Alterations) February 2008

The Mayor's SPG on Industrial Capacity (March 2008)