

## **CITY COUNCIL 12 MAY 2008**

### **REPORT OF THE PORTFOLIO HOLDER FOR NEIGHBOURHOOD REGENERATION**

#### **NOTTINGHAM LOCAL PLAN NOVEMBER 2005 – SAVED POLICIES**

## **1 SUMMARY**

- 1.1 The Planning and Compulsory Purchase Act 2004 states that policies within old style Local Plans will be automatically 'saved' (i.e. remain in force) for 3 years from the date of their adoption. It follows that, under the terms of this Act, the policies in the Nottingham Local Plan are due to expire in November 2008. If Local Authorities wish to retain policies beyond their automatic end date, they must seek the Secretary of State's agreement to issue a direction to save them. This is to be achieved by providing the Government Office with a list of policies in the Local Plan, setting out the Authority's recommendations in respect of whether each policy should be saved.
- 1.2 The list must be submitted 6 months before the policies within the Local Plan are due to expire. The Secretary of State will then issue a direction confirming which policies can be saved. This report sets out the City Council's approach to the saving of policies in the Nottingham Local Plan and Appendix 2 (circulated under separate cover) contains a schedule of all the Nottingham Local Plan Policies and assesses them against the criteria set out in the Government's protocol on how to save Local Plan policies. The Council's Executive Board endorsed the proposed approach on 22 April 2008 and recommended that it be submitted to full City Council for approval.

## **2 RECOMMENDATIONS**

IT IS RECOMMENDED that the schedule of policies detailed in Appendix 2 be submitted to the Government Office for the East Midlands (GOEM) as the City Council's recommended approach to saving the policies of the Nottingham Local Plan.

### **3 BACKGROUND**

- 3.1 All Local Plan policies are automatically saved for three years either from the commencement of the Planning and Compulsory Purchase Act 2004 (28 September 2004) or from adoption of the Local Plan, whichever is the later.
- 3.2 The Secretary of State can direct that policies be saved for longer than 3 years, and the Government has published a protocol on how to save policies contained in old style Local Plans. To save, or not save a policy, the Local Planning Authority must request the Secretary of State's agreement to issue a direction accordingly. The Government's protocol explains how requests to save policies in old style plans will be handled, and gives details on how decisions to save or not save policies will be considered. A copy of the protocol assessment criteria, including the matters to which the Government will have regard in deciding whether to issue a direction, is set out in Appendix 1.
- 3.3 All Local Planning Authorities that have adopted an old style Local Plan after the commencement of the Planning and Compulsory Purchase Act 2004 must submit a list of the saved policies within it to the relevant Government Office by 6 months before the date on which they are due to expire. The list must specify the Authority's recommendations in respect of whether each policy should be saved beyond the automatic 3 year period, giving reasons in relation to the Government's protocol criteria. The Secretary of State will then issue a Direction confirming which policies can be saved.
- 3.4 The Nottingham Local Plan was adopted on 28 November 2005, and the policies within it are therefore automatically saved until 28 November 2008. In accordance with the Government's protocol, a submission to save policies beyond this automatic end date must therefore be made to GOEM by 28 May 2008.
- 3.5 In due course, all policies in the Nottingham Local Plan will be replaced by new policies in the Local Development Framework documents. These will include the City-wide Core Strategy and the Site Specific Land Allocations documents. However none of these are due to be adopted before 2010, so it will be important to seek to 'save' any Local Plan policies which will still be needed in the meantime.

## **4 PROPOSALS**

- 4.1 All policies in the Nottingham Local Plan have been assessed against the criteria set out in the Government's protocol. The majority of the policies remain relevant and are consistent with the requirements of the protocol. All such policies are recommended to be saved. A small number of policies simply repeat national and regional planning guidance, which is already a material consideration when determining planning applications. Policies of this nature do not accord with the Government's protocol and it is therefore recommended that these policies are not saved.
- 4.2 Appendix 2 contains a schedule of all the Nottingham Local Plan policies and assesses them against the criteria set out in the Government's protocol. It is proposed that this appendix be submitted to the Government Office for the East Midlands (GOEM) as the City Council's recommended approach to saving the policies of the Nottingham Local Plan. The Council's Executive Board endorsed the proposed approach on 22 April 2008 and recommended that it be submitted to full City Council for approval.

## **5 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION**

None.

## **6 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT**

Nottingham Local Plan, November 2005.

Protocol for Handling Proposals to save Adopted Local Plan, Unitary development Plan and Structure Plan Policies Beyond the 3 Year Saved Period, Department for Communities and Local Government, 2006.

Report to Executive Board – 22 April 2008.

**COUNCILLOR ALAN CLARK  
PORTFOLIO HOLDER FOR NEIGHBOURHOOD REGENERATION**

## APPENDIX 1:

### **Extract from Protocol for handling proposals to save adopted Local Plan, Unitary Development Plan and Structure Plan policies beyond the 3 year saved period**

#### **Procedure for reviewing and agreeing extension to 'saved' Local Plan and UDP policies**

The Government will take the following issues into account in considering extensions to local plan and UDP saved policies.

PPS12 paragraph 5.15 says that policies to be extended should comply with the following criteria:

- (i) where appropriate, there is a clear central strategy;
- (ii) policies have regard to the Community Strategy for the area;
- (iii) policies are in general conformity with the regional spatial strategy or spatial development strategy;
- (iv) policies are in conformity with the core strategy development plan document (where the core strategy has been adopted);
- (v) 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; and
- (vi) policies are necessary and do not merely repeat national or regional policy.

In addition, the government will also have particular regard to:

- Policies that support the delivery of housing, including unimplemented site allocations, up to date affordable housing policies, policies relating to the infrastructure necessary to support housing;
- Policies on Green Belt general extent in structure plans and detailed boundaries in local plans/UDPs
- Policies that support economic development and regeneration, including policies for retailing and town centres;

- Policies for waste management, including unimplemented site allocations;
- Policies that promote renewable energy; reduce impact on climate change; and safeguard water resources.