

COPELAND LOCAL PLAN 2001-2016 SAVED POLICIES

Lead Officer: John Hughes – Strategic Planning Manager

This report details the Secretary of State's Direction on saved policies in the Copeland Local Plan

Recommendations: That Members note the terms of the Direction and the particular policies in the Local Plan which have been retained for use until the Local Development Framework brings in replacements.

Resource Implications: None

1. BACKGROUND INFORMATION

- 1.1 The Planning and Compulsory Purchase Act 2004 introduced a number of changes to the planning system including the Local Development Framework (LDF). LDFs consist of a suite of planning policy documents which will over time replace the Local Plans prepared under the previous regime. The 2004 Act allowed policies in Local Plans to be 'saved' or retained for use for a period of three years from the date of adoption of the Plan. After that 3 year period the policies would expire, unless formally extended as saved policies by the Council. The Copeland Local Plan was formally adopted in June 2006 so the exercise to agree which policies should be saved pending LDF production has been undertaken and the Secretary of State has accordingly issued a Direction.
- 1.2 Chapter 9 of the 2008 revision to Planning Policy Statement 12: *Local Spatial Planning* covers the issue of extending saved Local Plan policies. It states that in order to retain specified policies beyond June 2009 the Council needs the Secretary of State's agreement to this effect.
- 1.3 To obtain this agreement the Council was required to demonstrate that the policies it wished to extend reflected the principles of Local Development Frameworks and were consistent with current national policy.
- 1.4 Paragraph 9.2 of PPS 12 indicates the criteria that the Government takes into account in considering extensions to Local Plan saved policies. These criteria are:
 - A. Where appropriate, there is a clear central strategy;
 - B. The policies have regard to the Community Strategy for the area;

- C. The policies are in general conformity with the regional spatial strategy or spatial development strategy;
- D. The policies are in conformity with the Core Strategy Development Plan Document (where the core strategy has been adopted);
- E. 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
- F. The policies are necessary and do not merely repeat national or regional policy.

2. COPELAND LOCAL PLAN 2001-2016 SAVED POLICIES

- 2.1 The Council submitted its application to the Secretary of State with those policies it wished to extend as saved policies and those it no longer wished to save.
- 2.2 The Secretary of State reviewed the Council's application and issued a Direction under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004. The Secretary of State's Direction and Schedule contains a list of those policies which have been saved. These are as follows:

Copeland Local Plan 2001-2016 Saved Policies:

Chapter 3: Development Strategy	Chapter 5: Economic Regeneration	Chapter 6: The Environment
DEV1	EMP1	ENV1
DEV2	EMP2	ENV2
DEV3	EMP3	ENV3
DEV4	EMP4	ENV4
DEV5	EMP5	ENV5
DEV6	EMP6	ENV6
DEV7	EMP7	ENV7
DEV8		ENV8
	TCN1	ENV9
Chapter 4: Housing	TCN2	ENV10
HSG1	TCN3	ENV12
HSG2	TCN4	ENV13
HSG3	TCN5	ENV14
HSG4	TCN6	ENV15
HSG5	TCN7	ENV16
HSG6	TCN8	ENV17
HSG7	TCN9	ENV18
HSG8	TCN10	ENV19
HSG9	TCN11	ENV20
HSG10	TCN12	ENV21
HSG11	TCN13	ENV22
HSG12	TCN14	ENV23
HSG13		ENV25
HSG14	TSM1	ENV26
HSG15	TSM2	ENV27
HSG16	TSM3	ENV28

HSG17	TSM4	ENV29
HSG18	TSM5	ENV31
HSG19	TSM6	ENV32
HSG20		ENV36
HSG21	RUR1	ENV37
HSG22		ENV38
HSG23		ENV39
HSG24		
HSG25		
HSG26		
HSG27		
Chapter 7: Transport	Chapter 8: Community Services and Facilities	Chapter 9: Renewable Energy
TSP2	SVC6	EGY1
TSP4	SVC7	EGY2
TSP5	SVC8	EGY3
TSP6	SVC9	EGY4
TSP7	SVC10	EGY5
TSP8	SVC11	EGY6
TSP9	SVC12	EGY7
TSP10	SVC13	
	SVC14	Chapter 10: Sellafield and the Nuclear Industry
	SVC15	NUC1
		NUC2
		NUC3
		NUC4
		NUC5

3. COPELAND LOCAL PLAN POLICIES NOT SAVED

- 3.1 The table below provides a list of policies which have not been saved and the reasons for this decision. Unsavd policies expired on 6 June 2006, policies which have not been saved do not form part of the Copeland Local Plan 2001 – 2016 and therefore should not be used.

Policy	Reason for not extending
ENV 11 Tree Planting	This policy fails the 'necessity' test as the ground is already covered by DEV6.
ENV24 Hazardous Substances	Policy covered by another regulatory regime, therefore not necessary.
ENV30 Alterations and extensions to Listed Buildings	Policies appear to duplicate PPG15 and should therefore be unnecessary.
ENV33 Development affecting the setting and important views of Listed Buildings	
ENV34 Changes of use to Listed Buildings	

ENV35 Development affecting a Scheduled Ancient Monument	
ENV40 Advertisements	Appears to add nothing to policy already in PPG19
ENV41 New farm buildings	RSS is part of the Development Plan, therefore being in conformity with it would appear to duplicate it.
ENV42 Intensive agricultural development	Policy not necessary as DEV5, DEV6 and RUR1 appear to cover this, insofar as it is within the purview of planning control
ENV43 Agricultural slurry stores and lagoons	The justification for this is inadequate – policy not necessary
SVC1 Connections to public sewers	Covered by other agencies' responsibilities, therefore not necessary. Adequately covered by DEV6.
SVC2 Non-mains sewerage/sewerage treatment	Covered by other agencies' responsibilities, therefore not necessary. Adequately covered by DEV6.
SVC 3 Standards of Completion	This policy is considered to be repetitive and more appropriately controlled from development control purposes by way of a planning condition
SVC4 Land drainage	Duplicates other control regimes, adequately covered by DEV6.
SVC5 Water supply/water resources	Appears to be covered by DEV6, therefore not necessary
TSP1 Safeguarding the Parton-Lillyhall Improvement	Works are now almost complete and the by-pass is in operation. As a result the policy is no longer required.
TSP3 Traffic management	If needed, these can be provided for under DEV6 and TSP6. This policy is therefore not necessary as it is not clear why a further policy serves any purpose.

3.2 A total of 127 policies have been retained and 17 policies lost.

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Background Papers: