

Luton & South Bedfordshire Joint Committee

19th September 2008

Agenda Item No.

AUTHOR	Joint Officer Team (Edward Smith)
SUBJECT	The 'Saving' of adopted relevant and necessary policies from the Luton Local Plan beyond March 2009
PURPOSES	<ol style="list-style-type: none">1. To inform the Committee about the requirement to seek the Secretary of States agreement to issue a statutory direction to formally 'save' specified policies that are relevant and necessary, in order to ensure a robust and clear local planning policy framework to be maintained across Luton Borough beyond March 2009.2. To enable the Committee to consider the policies which are being recommended to be saved and those that are not and to make any comments as necessary.3. To agree the final list of policies which the Joint Committee wish to save and to submit this list to the Secretary of State for their consideration and to seek their approval.
RECOMMENDATIONS	<ol style="list-style-type: none">1. That the Committee consider the proposed listed policies that are recommended to be saved.2. Provide any necessary feedback.3. Endorse the recommended list of policies for saving and their submission to the Government Office.
REASON FOR RECOMMENDATIONS	<ol style="list-style-type: none">1. To enable a robust and proper local planning policy framework to be maintained across Luton Borough beyond March 2009. To ensure that officers are aware of any matters members of the Committee wish them to consider.2. To ensure that essential policies are saved so that a strong planning policy framework exists for all users of the Local Plan.

	<p>3. To ensure that officers are aware of any matters members of the Committee wish them to consider relating to this matter.</p> <p>4. Approve officers formally submitting the list to the Secretary of State to ensure compliance with government legislation and guidance.</p>
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REPORT

1. This report presents proposals to save specific local plan policies after their expiry date in March 2009. We seek the decision of the Committee to submit the proposals to the Secretary of State to issue a direction to save them.
2. Under the Planning and Compulsory Purchase Act 2004, the Luton Borough Council local plan policies were automatically saved until March 2009, three years from the date of adoption (April 2006).
3. To extend essential policies beyond March 2009 we need to submit proposals to save them to the Secretary of State (Go-East), 6 months before the date of expiration.
4. The purpose of extending policies is to ensure continuity in the plan-led system and a stable planning framework locally until the Development Control Policies DPD (Development Plan Document) is approved as part of the Local Development Framework. If the Committee do not put forward a list of policies to save, then all the policies will cease to exist after March 2009. Policies which are not saved cannot be used after March 2009.
5. The Government has set criteria for selection of saved policies and these are shown in Appendix A Table 1 (from PPS12 paragraph 5.15). Appendix A Table 2 shows the policies which we think should be saved in line with the criteria set and/or due to specific local importance or relevance. Table 3 shows the policies which we believe do not need to be saved. It would not be possible to rely on the Local Plan policies shown in Appendix A Table 3 beyond March 2009 for development control purposes, however we indicate which national policy guidance can be used in their place.
6. Government guidance on Saved Policies is provided in the DCLG Protocol for Handling Proposals to Save Adopted Local Plan Policies beyond the 3 year saved period. Our proposals are in line with this guidance. As other Councils have already gone through the process of Saving Policies, we have been able to refer to their work for guidance. The proposals have been consulted on within the Council across a range of departments including: Development Control; Strategic Planning; Regeneration; Transport; Housing; Waste; Parks; Legal; and Education.

FINANCIAL IMPLICATIONS

- 7 There are no financial implications of the proposals. The relevant financial officer agreed these implications on 1st September 2008.

LEGAL IMPLICATIONS

8. Compliance with the Planning and Compulsory Purchase Act 2004 and associated regulations as amended and to enabling a statutory policy framework to remain in place across the Borough. Agreed by John Secker in Luton Legal Services on 1 September 2008.

EQUALITIES IMPLICATIONS

- 9 The proposals have been carried out in line with PPS12 as amended and DCLG protocol. The work will ensure that a functioning policy framework continues to be available to allow the Council to satisfy equality commitments and policies that relate to spatial planning matters.

BACKGROUND DOCUMENTS

- 10 None other than referred to in the report.

APPENDIX

Appendix A:

Table 1 - Saved Policy Criteria

Table 2 - Policies from the Luton Local Plan 2001-2011 **to be extended** beyond April 2009

Table 3 - Policies from the Luton Local Plan 2001-2011 **not saved** beyond April 2009

