

**Report to:** Cabinet  
Planning Committee

**Date:** 30 April 2009  
5 May 2009

**Subject:** Wigan Replacement Unitary Development Plan:  
Saved Policies

**Report of:** Executive Director Environmental Services

**Contact officer:** Martin Stuart - 01942 404238

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**Purpose / summary:** To report that the Secretary of State for Communities and Local Government has issued a Direction under paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004 to the effect that most of the policies of the Wigan Replacement Unitary Development Plan will be 'saved' beyond 26 April 2009, as requested by Cabinet at the meeting of 16 October 2009.

**Alternative options considered and reason for selecting the one recommended:** There is no alternative to the Direction issued by the Secretary of State.

**Recommendation / decision:** To note the report.

**Risks / Implications:**

Financial:	None
Staffing:	None
Policy:	Maintains current policy base with the exception of three policies as outlined in the report.
Equal Opportunities - Has a Diversity Impact Assessment been conducted?	A diversity impact assessment is not necessary at this stage. However, equality and diversity implications have been considered when producing this report.
Wards affected:	All.

**Property Implications – Does the proposal involve a reduction, addition or change to the Council’s asset base or its occupation?**

No

**If yes, have the property implications been agreed with the Corporate Property Officer?**

**Does this proposal have significant implications for the Council and the local population?**

No

**Does this proposal involve a new policy or procedure or significant changes to an existing policy or procedure?**

No

Has the Service Director - Borough Solicitor confirmed that the recommendations within this report are lawful and comply with the Council’s Constitution?

**Yes / No \***

Has the Service Director - Corporate Services confirmed that any expenditure referred to within this report is consistent with the Council’s budget?

**N/A**

Are any of the recommendations within this report contrary to the Policy Framework of the Council?

**No \***

\* delete which applicable

**For Cabinet reports only :**

Categorisation of the report:	<b>X</b>
Discussion leading to a decision	
Monitoring	
Sharing for corporate understanding	

	<b>X</b>
Discussion	
Decision	
Information	<b>X</b>

**Tracking/Process:**

	Consultation	Ward Members	Partners
Panel	Overview & Scrutiny	Cabinet	Council
Planning Committee 05.05.09.		30.04.09.	

List of Background Papers in accordance with Section 100D of the Local Government Act 1972:

Title of document	Which meeting did it go to?	Date of meeting	Copy available from?
Wigan Replacement Unitary Development Plan	Council	26 April 2006	Environmental Services
Letter from Government Office for the North West dated 26 February 2009.			Environmental Services

Proper Officer Martin Kimber

Date 17 April 2009

## **1.0 Background:**

- 1.1 Cabinet will recall my report to your meeting of 16 October 2008 which dealt with the need to submit a statement to the Secretary of State for Communities and Local Government in order to specify which policies of the Wigan Replacement Unitary Development Plan we wish to be 'saved' beyond 26 April 2009. It is then the Secretary of State's decision as to whether to issue a direction to 'save' those policies which would otherwise lapse.
- 1.2 Accordingly, following your approval of the statement which proposed that all the policies of the Unitary Development Plan but three should be saved, it was submitted to the Secretary of State.

## **2.0 Proposals:**

- 2.1 The Secretary of State for Communities and Local Government has now issued a Direction under paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004 to the effect that most of the policies of the Wigan Replacement Unitary Development Plan will be 'saved' beyond 26 April 2009, as requested by Cabinet at the meeting of 16 October 2009. As requested in our submission, all the policies are saved except for policies R1 and R1A which deal with housing provision figures, which have now been superseded by new ones in the latest Regional Spatial Strategy and policy EM1F dealing with the site of the former Maypole Colliery which has been implemented through redevelopment. These latter three policies therefore expired on 26 April 2009.
- 2.2 The covering letter to the Direction also goes on to make 3 further points, as follows:
  - The extension of saved policies listed in the Direction does not indicate that the Secretary of State would endorse these policies if presented to her as new policy. It is intended to ensure continuity in the plan-led system and a stable planning framework locally, and in particular, a continual supply of land for development.
  - The exercise of extending saved policies is not an opportunity to delay DPD preparation. LPA's should make good progress with local development frameworks according to the timetables in their local development schemes.
  - Following 26 April 2009 the extended policies should be read in context. Where policies were adopted some time ago, it is likely that material considerations, in particular the emergence of new national and regional policy and also new evidence, will be afforded considerable weight in decisions.
- 2.3 These points are accepted and will be taken into account both in drawing up the local development framework and in making decisions on planning applications. This report is to be referred to Planning Committee.

### **3.0 Alternative options considered and reason for the recommended option:**

3.1 There is no alternative to the Direction issued by the Secretary of State.

### **4.0 Conclusions**

4.1 As from 26 April 2009 all the existing policies of the Replacement Wigan Unitary Development Plan have been saved, except for policies R1, R1A and EM1F. The Unitary Development Plan (minus the 3 named policies) can therefore continue to be used to maintain development plan coverage until it is replaced by policies in the Local Development Framework as the various elements of it are adopted.

**Martin Kimber**  
**Executive Director Environmental Services**

D/MP/JP  
17 April 2009