

**Report to:** Cabinet

**Date:** 16 October 2008

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

**Report of:** Director of Environmental Services

**Contact officer:** Martin Stuart      01942 404238

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**Purpose / summary:** To approve the submission of a statement to the Secretary of State for Communities and Local Government specifying which Replacement Unitary Development Plan policies we wish to save as development plan policies beyond 26 April 2009, and which we do not wish to save.

**Alternative options considered and reason for selecting the one recommended:** It would be possible to try to save all of the Unitary Development Plan policies but some do not meet government criteria for being saved. It is necessary to save Unitary Development Plan policies so as to ensure that there is a complete range of policies against which to assess planning applications.

**Recommendation / decision:** That Cabinet approves the submission of a statement to the Secretary of State that sets out our case for saving all policies in the Wigan Replacement Unitary Development Plan except the three outlined in the report.

**Key Decision:** This report does not involve a key decision. The decision made as a result of this report will be published within **48 hours** and cannot be actioned until **seven working days** have elapsed, ie before 28 October 2008.

**Risks / Implications:**

Financial:	None
Staffing:	None
Policy:	Maintains current policy base with the exception of four 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

**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?	<b>Yes</b>
Has the Service Director - Corporate Services confirmed that any expenditure referred to within this report is consistent with the Council’s budget?	<b>N/A</b>
Are any of the recommendations within this report contrary to the Policy Framework of the Council?	<b>No</b>

**For Cabinet reports only :**

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

**Tracking/Process:**

	Consultation	Ward Members	Partners
Panel	Overview & Scrutiny	Cabinet	Council
		16 October 2008	

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

Proper Officer Martin Kimber

Date 1 October 2008

## 1. **Background:**

- 1.1 Under the Planning and Compulsory Purchase Act 2004, the policies in our Replacement Unitary Development Plan were saved for 3 years from the date the plan was adopted, that is until 26 April 2009. If the Council wishes to save any Unitary Development Plan policies beyond that date we must submit a statement to the Secretary of State for Communities and Local Government stating which policies we wish to save and which policies we do not wish to save. We must submit this statement 6 months before 26 April 2009 that is by 26 October 2008. On the basis that this date is one day before the date that Cabinet decisions can be actioned, we have been advised by Government Office that it is not critical and a delay of a few days is acceptable.
- 1.2 The Secretary of State will consider our statement and may make a direction to save the policies beyond 26 April 2009. We can make a case for saving a policy exactly as it is, or not saving it. We cannot attempt to modify a policy. However, the final decision is the Secretary of State's.
- 1.3 In due course the Unitary Development Plan policies will be replaced by policies in the Local Development Framework Core Strategy and Joint Waste Development Plan. However, these are not due for final adoption until late 2010 and 2011 respectively so we need the Unitary Development Plan policies to be saved until then to maintain development plan coverage at the local level.
- 1.4 The Secretary of State will take the following criteria into account in considering extensions to Unitary Development Plan saved policies:
  - i. where appropriate, there is a clear central strategy
  - ii. policies have regard to the Community Strategy
  - iii. policies are in general conformity with the Regional Spatial Strategy
  - iv. policies are in conformity with the Core Strategy if it has been adopted
  - v. there are effective policies for any part of the borough where significant change in the use or development of land or conservation is envisaged
  - vi. policies are necessary and do not merely repeat national or regional policy.
- 1.5 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.

## **2. Proposals:**

- 2.1 Wigan's Replacement Unitary Development Plan has a clear central strategy. Its vision is to make the borough a more attractive place to live and visit and to attract new employment and investment through a sustainable balance between economic growth; social progress; and environmental protection and enhancement. It is recognised that these three elements are interrelated and that progress towards one element may well act against progress towards another. The essence of the vision therefore is the achievement of the optimum balance between these three elements to produce opportunities for action to improve the borough which are mutually compatible.
- 2.2 Supporting the vision there are then 16 objectives to provide a framework against which progress towards the vision can be judged. All of the policies comply with the Unitary Development Plan strategy and so all policies comply with criterion 1.
- 2.3 The Unitary Development Plan policies are all in conformity with the Community Plan and its eight goals and three principles. Therefore, all policies comply with criterion 2.
- 2.4 All of the Unitary Development Plan policies except two are in general conformity with the Regional Spatial Strategy. These two relate to housing provision figures which have now been superseded by new ones in the latest Regional Spatial Strategy, published on 30 September and reported elsewhere on the agenda. It is therefore not proposed to save policies R1 and R1A. All other policies comply with criterion 3.
- 2.5 Wigan Council has not adopted its Core Strategy and so there is no requirement to comply with criterion 4.
- 2.6 Detailed considerations for criteria 5 and 6 are set out under each policy in the statement that will be submitted to the Secretary of State. Most of the policies meet these criteria but it is proposed that we do not seek to save one policy against these criteria. Policy EM1F 'Former Maypole Colliery Site' does not need to be saved because the site has been fully redeveloped and, as such, the policy is no longer necessary.
- 2.7 A copy of our proposed statement setting out our case as described above is available in the Members' room.

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

- 3.1 It would be possible to try to save all of the Unitary Development Plan policies but some do not meet government criteria for being saved. It is necessary to

save Unitary Development Plan policies so as to ensure that there is a complete range of policies against which to assess planning applications.

#### **4. Conclusions:**

- 4.1 A detailed assessment of each Unitary Development Plan policy shows that most policies meet all relevant criteria. This reflects the relatively recent adoption of the Plan. It is therefore recommended that the statement to be submitted to the Secretary of State should seek the saving of most Unitary Development Plan policies but that three policies be not saved, for the reasons summarised above and explained more fully in the statement. This will also ensure that there is a complete range of policies against which to assess all planning applications.