

<p><b>CABINET – 24 JUNE 2010</b></p> <p><b>EXECUTIVE SUMMARY SHEET – PART I</b></p>	
<p><b>Title of Report:</b> CITY OF SUNDERLAND UNITARY DEVELOPMENT PLAN ALTERATION No. 2 (CENTRAL SUNDERLAND): ARRANGEMENTS FOR SAVING POLICIES</p>	
<p><b>Author:</b> DEPUTY CHIEF EXECUTIVE</p>	
<p><b>Purpose of Report:</b> This report seeks approval of those adopted Unitary Development Plan Alteration No. 2 (Central Sunderland) policies that the Council wishes to save beyond September 2010.</p>	
<p><b>Description of Decision:</b> Cabinet is requested to:</p> <ul style="list-style-type: none"> <li>i) Agree and endorse the attached schedule outlining UDP Alteration No. 2 policies to be saved;</li> <li>ii) Authorise officers to make appropriate arrangements for submitting the schedule of saved policies to the Government Office for the North East.</li> </ul>	
<p><b>Is the decision consistent with the Budget/ Policy Framework?</b> Yes</p>	
<p><b>If not, Council approval is required to change the Budget/ Policy Framework</b></p>	
<p><b>Suggested reason for Decision:</b> A decision is required in order to comply with the requirement to prepare and submit a list of UDP Alteration No. 2 policies that the Council wishes to save to GO-NE.</p>	
<p><b>Alternative options to be considered and recommended to be rejected:</b> Under the provisions of the Planning and Compulsory Purchase Act 2004 (Transitional Provisions) all adopted Alteration No. 2 policies will expire after September 2010. It is crucial to save those listed policies in order to ensure continuity in the planning of Central Sunderland pending adoption of the Local Development Framework (LDF); consequently no alternative options can be recommended.</p>	
<p><b>Is this a “Key Decision” as defined in the Constitution?</b> Yes</p>	<p><b>Relevant Scrutiny Committee:</b> Environment and Attractive City Scrutiny Committee</p>
<p><b>Is it included in the Forward Plan?</b> Yes</p>	<p>Planning and Highways Committee</p>



**CITY OF SUNDERLAND UNITARY DEVELOPMENT PLAN ALTERATION No. 2 (CENTRAL SUNDERLAND): ARRANGEMENTS FOR SAVING POLICIES**

**REPORT OF THE DEPUTY CHIEF EXECUTIVE**

**1.0 Purpose of Report**

- 1.1 This report seeks approval of those adopted Unitary Development Plan Alteration No. 2 (Central Sunderland) policies that the Council wishes to save beyond September 2010.

**2.0 Description of Decision**

- 2.1 Cabinet is requested to:-
- i) Agree and endorse the attached schedule outlining Unitary Development Plan Alteration No.2 policies to be saved;
  - ii) Authorise officers to make appropriate arrangements for submitting the schedule of saved policies to the Government Office for the North East.

**3.0 Background and Current Position**

- 3.1 Sunderland's Unitary Development Plan (UDP) was adopted in September 1998. As the statutory development plan for the City, one of its key functions is to provide a starting point in the consideration of planning applications for the development or use of land. Due to the need to provide a more up-to-date planning framework for the Central Sunderland area, a partial revision of the UDP policies for this area was required. This was taken forward through the statutory planning process as a formal Alteration to the UDP (*Alteration No. 2*) and was adopted by the City Council in September 2007.
- 3.2 The Alteration was prepared under Transitional Provisions contained in the Planning and Compulsory Purchase Act 2004. This meant that the policies in the Alteration only had a three-year lifespan after their adoption; i.e. they would expire in September 2010. To ensure that the policies remain in force beyond this date, they now need to be "saved".
- 3.3 Guidance was released by the Department for Communities and Local Government (DCLG) in 2006 which informs local planning authorities on the procedure whereby policies will be saved. The guidance sets out a range of criteria against which policies need to be assessed. The Council has to submit a list of those policies it wishes to save to the Government Office for the North East (GO-NE). GO-NE will subsequently inform the Council on the outcome. It should be noted that the policies of the adopted UDP were saved in this fashion in February 2007.

- 3.4 If the September deadline is missed, the key effect would be that the adopted Alteration policies which allocate land for specific end uses would cease to have any statutory weight after September 2010. Due to the emergence of the Alteration, the UDP policies for sites in Central Sunderland were not saved along with the other UDP policies in 2007. Without a local planning policy framework, development proposals in Central Sunderland would have to be assessed purely on their merits against national planning guidance and the Regional Spatial Strategy. This would have the following significant impacts:-
- The Council's ability to make effective decisions affecting the control of development in the City would be reduced;
  - The level of uncertainty over decisions would increase with a potentially stronger case for applicants to challenge refusals;
  - Unnecessary delays would be added to the decision making process with the obvious knock-on effects for the Council meeting Government targets for determining planning applications.
- 3.5 The attached schedule outlines the suggested approach to identify individual Alteration policies for saving. In effect, it is recommended that all the Alteration policies are saved. The schedule is based on the guidance in the DCLG Protocol regarding issues to be taken into account, which was re-iterated in the revised Planning Policy Guidance Note on Spatial Planning issued in June 2008 (PPS12). These are that:-
- i) There is a clear central strategy;
  - ii) The policy has regard to the Community Strategy;
  - iii) The policy is in conformity with the Regional Spatial Strategy;
  - iv) There are effective policies for areas where significant change in the use or development of land or conservation of the area is envisaged;
  - v) The policy is necessary and does not merely repeat national or regional policy.
- 3.6 Policies will also be assessed against wider Central Government objectives for housing delivery, town centre regeneration, waste management, climate change and renewable energy.
- 3.7 GO-NE will assess the request to save the Alteration policies in the light of the above criteria and their consistency with national policy, and notify the Council accordingly.
- 3.8 Once they have been saved, the Alteration policies will continue to be used in determining planning applications and steering development in the Central Sunderland area. In the longer term they will be replaced by appropriate policies brought forward through the Local Development Framework Core Strategy and associated Allocations Development Plan Document. The programme for these documents is set out in the Council's Local Development Scheme.

#### **4.0 Reason for Decision**

- 4.1 A decision is required in order to comply with the requirement to prepare and submit a list of UDP Alteration No. 2 policies that the Council wishes to save to GO-NE.

#### **5.0 Alternative Options**

- 5.1 Under the provisions of the Planning and Compulsory Purchase Act 2004 (Transitional Provisions) all adopted Alteration No. 2 policies will expire in September 2010. It is crucial to save those listed policies in order to ensure continuity in the planning of Central Sunderland pending adoption of the LDF; consequently no alternative options can be recommended.

#### **6.0 Relevant Consultations/ Considerations**

- a) **Financial Implications** – The saving of Alteration No. 2 policies will not involve any direct costs.
- b) **Legal Implications** – The schedule of saved policies has been prepared in accordance with the DCLG Protocol and Government Guidance. The Chief Solicitor has been consulted and his views incorporated into the body of this report.

#### **7.0 Background Papers**

PPS12: Local Spatial Planning (June 2008)  
Adopted UDP Alteration No.2 (September 2007)  
Protocol for Handling Proposals to save Adopted UDP Policies DCLG (August 2006)  
Adopted Unitary Development Plan (September 1998)

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