

Council – 29 October 2009

SOUTH HAMS LOCAL DEVELOPMENT FRAMEWORK: DEVELOPMENT POLICIES DEVELOPMENT PLAN DOCUMENT – SUBMISSION STAGE

Report of the Head of Community Regeneration

Statutory Powers: Town & Country Planning Act 1990 and Planning & Compulsory Purchase Act 2004.

Financial Implications: In order to focus internal resources on the production of the site allocation Development Plan Documents (DPDs), work on the Development Policies DPD has been out-sourced to consultants and financed from the Planning (LDF) Reserve.

Purpose: This report seeks approval to submit the Development Policies DPD to the Secretary of State for examination.

Links to Council Priorities: The Development Policies DPD links to all Council Priorities and Commitments.

RECOMMENDATION

That Members RESOLVE that the Development Policies Development Plan Document is submitted to the Secretary of State for examination.

Background

1. The Development Policies Development Plan Document (DPD) is a key document in the South Hams Local Development Framework (LDF) portfolio. It is designed to build on the strategic content of the adopted Core Strategy providing more detailed policy advice through a suite of development management policies. It will replace policies currently saved from the South Hams Local Plan adopted in April 1996.
2. In order to focus internal resources on the production of site allocation DPDs, the bulk of the work to progress the Development Policies DPD through Publication stage consultation (May 2009) to submission and examination has been out-sourced to Baker Associates (“the consultants”) using Housing and Planning Delivery Grant (minute E26/08).

The Issues

3. The Development Policies DPD is required to conform with, but should not replicate, the policies of the adopted Core Strategy, regional and national planning policies and guidance. Its policies should be locally distinctive and add value to the existing policy framework without becoming overly complex, lengthy, numerous, or burdensome.
4. The DPD was published for consultation in May 2009 following a programme of community engagement including a series of Member and officer workshops. 31 bodies and individuals have raised 276 representations on the published DPD.

5. LDF regulations advise that major changes should not be made to policies between Publication and Submission. However, it is considered that detailed changes are required to some policies, either in response to representations received, to improve clarity, or to maintain good prospects for the required “sound” rating at examination. In some cases, the clarity of the DPD can also be improved by changes to supporting text. A full schedule of representations received and changes in response is listed amongst the background papers to this report.
6. Changes to policies are set out in the appendix attached. The greatest change is to Policy DP4: Sustainable Construction, where several clauses are recommended for deletion because of duplication with higher level policies or in the absence of local evidence to support them. Following a recent court decision, Policy DP5: Biodiversity and Geological Conservation, also includes a reference to the Habitats Directive and Regulations as an explicit acknowledgement of what local planning authorities are in any event legally obliged to do in exercising their planning functions.
7. Members will wish to refer to their copy of the published DPD to see policy changes in context and should bring the document along to the meeting to inform the discussion. The published DPD is also available on the Council website LDF pages, along with the Habitats Regulations Assessment referred to in paragraph 5.6 of the DPD.

Strategic Risk Assessment:

Opportunity	Issues / Obstacles	Benefits
Progression of the Development Policies DPD to update the policy basis to support, inform, and enable good planning.	Risk of being found “unsound” at examination because policies are not fully justified, effective and / or consistent with regional and national policy and nature conservation requirements. The consultant’s advice is that the policies maintain good prospects for the required “sound” rating.	Sustainable development and sound planning decisions.

Conclusion

8. Members are asked to approve submission of the Development Policies DPD to the Secretary of State for examination.

Graham Swiss
Forward Planning Manager

Council
 29 October 2009

Lee Bray
Head of Community Regeneration

Background Documents:

Draft South Hams Local Plan Review (January 2002)
 LDF Issues and Options (October 2004)
 Development Control Core Policies DPD – Preferred Options (July 2007)
 Development Policies DPD – Publication Stage (May 2009)
 Representations received (May – June 2009)
 Schedule of comments received and changes made to the DPD (October 2009)
 Regional Spatial Strategy for the South West (currently the adopted Devon Structure Plan and emerging RSS)