

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**PLANNING and TRANSPORTATION ADVISORY BOARD**

**22 October 2007**

**Report of the Director of Planning Transport and Leisure**

**Part 1- Public**

**Matters for Recommendation to Cabinet - Council Decision**

**1 SAVED POLICIES: REPORT BACK**

**Summary**

**The Secretary of State has approved the Council's application for the saving of policies in the Tonbridge and Malling Borough Local Plan 1998, subject to only one change. Some Local Plan Saved Policies have, in turn, been replaced by the adoption of the Core Strategy by the Council on 25 September 2007. It is advisable for the Council to formally confirm those Local Plan policies that have been superseded by Core Strategy policies.**

**1.1 Background**

1.1.1 The schedule of those policies in the Tonbridge and Malling Borough Local Plan that require saving in accordance with the Government's protocol, was approved by the Local Development Framework Steering Panel at its meeting held on 26 March 2007. The Saved Policies Schedule was submitted to the Secretary of State for consideration on 27 March 2007. Cabinet ratified the Saved Policies Schedule at its meeting on 4 April 2007.

**1.2 Saved Policies**

1.2.1 Between April 2007 and September 2007 the Secretary of State assessed and evaluated the Council's Saved Policies Schedule. In a "Direction" letter from the Government Office for the South East (GOSE) dated 24 September 2007 the Secretary of State approved the submitted Saved Policy Schedule with one exception. The exception is Policy P3/6: Special Landscape Areas. This is in line with the recommendation of the Inspector who held the Examination in Public into the Core Strategy. The Secretary of State's Direction came into effect on 28 September 2007 and accordingly all Local Plan policies not saved expired on 27 September 2007 and can no longer be used. Saved Local Plan policies now need to be read alongside any adopted DPDs.

**1.3 Saved Policies Replaced by the Core Strategy**

1.3.1 The Council adopted the Core Strategy on 25 September 2007, thereby replacing in part the Local Plan as the Council's Development Plan. The adopted Core

Strategy incorporates the binding recommendations of the Inspector. Certain saved Local Plan policies are therefore now already replaced by policies in the adopted Core Strategy.

- 1.3.2 Attached, as **Annex 1**, is a list of all saved Local Plan policies showing, as highlighted, those saved Local Plan policies replaced by a Core Strategy policy. For the avoidance of doubt, it is recommended that Council formally confirms which saved Local Plan policies have been replaced by the adoption of the Core Strategy. The schedule also indicates which Saved Policies will be replaced by Policies in the Development Land Allocations DPD and the Tonbridge Central Area Action Plan when these are adopted next year. Those that remain blank will be reviewed as part of preparing the Managing Development and the Environment DPD.
- 1.3.3 Attached, as **Annex 2**, is a list of all Local Plan policies that have not been saved. They can no longer be used.

#### **1.4 Compendium of Saved Polices**

- 1.4.1 A Compendium of Saved Policies is in the course of preparation for ease of reference for officers, Members and the general public. This Compendium will effectively replace, when read together with the adopted Core Strategy, the Tonbridge and Malling Borough Local Plan.
- 1.4.2 A copy of the Compendium will be made available to all Members as soon as it is published. It will be kept up to date as and when future DPD's are adopted by the Council.

#### **1.5 Legal Implications**

- 1.5.1 The saving of policies from the Local Plan, and the replacement of Local Plan policies by an adopted DPD, are statutory requirements under the Planning and Compulsory Purchase Act 2004.

#### **1.6 Financial and Value for Money Considerations**

- 1.6.1 None.

#### **1.7 Risk Assessment**

- 1.7.1 There is a risk of confusion in the interpretation of Core Strategy policies, saved Local Plan policies and not saved Local Plan policies immediately after the adoption of the Core Strategy and the Secretary of State's Direction. It is hoped that this confusion will be reduced by the preparation of the Compendium of Saved Polices and the preparation of comparative Core Strategy, saved and not saved schedules.

## **1.8 Recommendations**

- 1.8.1 Council confirm those saved Local Plan policies that have been replaced by the adoption of the Core Strategy, as shown on **Annex 1**.
- 1.8.2 Members note those Local Plan policies that have not been saved as shown on **Annex 2**.

Background papers:

contact: Bruce Stewart

Council submission to the Secretary of State dated 27  
March 2007

GOSE Direction letter dated 24 September 2007

Steve Humphrey  
Director of Planning Transport and Leisure