

PLANNING COMMITTEE – 7 FEBRUARY 2012

REPORT OF THE DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION) **RE: RELEVANT POLICIES**

1. PURPOSE OF REPORT

- 1.1 To advise Members of the relevant policies within the development plan for use in the determination of planning applications.

2. RECOMMENDATION

- 2.1 That the report be noted.

3. BACKGROUND TO THE REPORT

- 3.1 The Borough Council is in the process of producing a Local Development Framework (LDF) which will replace the current Local Plan adopted in 2001. The LDF consists of a number of documents. Once these are adopted the policies contained within these documents will replace the Local Plan policies. So far, the Local Authority has adopted two Development Plan Documents which include the Core Strategy (December 2009) and the Hinckley Town Centre Area Action Plan (March 2011). There are a number of policies within these documents that have replaced Local Plan Policies.
- 3.2 In addition to this, there are a number of Local Plan policies which expired on the 27 September 2007 as a result of paragraph 1(2a) of Schedule 8 of the Planning and Compulsory Purchase Act (2004). These policies no longer form part of the Local Plan and have not been replaced, so cannot be used for development control purposes.
- 3.3 As Members will be aware, in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 all decisions on planning applications should be made in accordance with the development plan unless material considerations indicate otherwise. Having regard to that, and to ensure members are fully aware of the relevant policies, there is attached to this report, at Appendix 1 a table that sets out all of the policies within the 3 development plan documents that can be used in the determination of planning applications. Appendix 2 comprises a list of all policies within the Local Plan that have expired or been replaced and are therefore no longer relevant.

4. FINANCIAL IMPLICATIONS [CB]

- 4.1 None arising directly from this report.

5. LEGAL IMPLICATIONS [MR]

- 5.1 Set out in the report.

6. **CORPORATE PLAN IMPLICATIONS**

6.1 This document contributes to all Strategic Aims of the Corporate Plan.

7. **CONSULTATION**

7.1 All policy documents are consulted upon at the appropriate time prior to adoption.

8. **RISK IMPLICATIONS**

8.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

8.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

8.3 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
There is a risk of costs and lost appeals if non-relevant policies or superceded policies are used in the decision making process.	Providing Members with an update list of relevant policies and ensuring they are advised at Planning Committee correctly.	Tracy Miller

9. **KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS**

9.1 It is essential that correct policies are used in the determination of planning applications and that Members are fully aware of all relevant policies and those which have either expired or been replaced.

9.2 Where there is a proposed new service, change of service, or a new or reviewed policy, an Equality Impact Assessment is required and has been undertaken and can be viewed here: none required.

10. **CORPORATE IMPLICATIONS**

By submitting this report, the report author has taken the following into account:

- Community Safety implications
 - Environmental implications
 - ICT implications
 - Asset Management implications
 - Human Resources implications
 - Planning Implications
 - Voluntary Sector
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Background papers: Saved Hinckley and Bosworth Local Plan 2011; Local Development Framework Core Strategy 2009; and Hinckley Town Centre Area Action Plan 2011.

Appendices: Appendix 1 : All relevant Development Plan Policies
Appendix 2 : Expired or Replaced Policies

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