

Item No. 4	Classification: Open	Date: 29 September 2004	Meeting Name Planning Committee
Report Title		Comment on the 2 nd Deposit Unitary Development Plan. – Supplementary Legal Advice	
Ward(s) or groups affected:		All	
From:		Borough Solicitor	

RECOMMENDATION(S)

1. That Members note the advice concerning the implementation of the Planning and Compulsory Purchase Act 2004 and its potential effect on the current review of the Unitary Development Plan.

BACKGROUND INFORMATION

2. The main report from the Director of Regeneration sets out details of current progress concerning the review of the Unitary Development Plan; the comments and objections received; officers proposed response to the objections and the suggested amendments to the draft Southwark Plan.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Borough Solicitor

3. As indicated in the main report work on the review of the Unitary Development Plan to date has proceeded under the provisions of the Town and Country Planning Act 1990 and the Town and Country Planning (Development Plan) (England) Regulations 1999 ("the Development Plan Regulations").
4. The Planning and Compulsory Purchase Act 2004 received Royal Assent in May 2004 and certain parts of the Act, but not all of it, came into force in August with further provisions being brought into with effect from 28 September 2004.
5. Among the provisions that have recently come into force are those concerning Regional Development Frameworks and Local Development Frameworks ("LDFs"). Local Development Frameworks will replace Unitary Development Plans and new regulations also come into force concerning the content and preparation of LDFs. The Government has also issued Planning Policy Statement ("PPS 12") which gives advice on the preparation of LDFs which replaces PPG 12.
6. The transitional provisions in the Act and the Regulations mean that the Southwark Plan will continue to be prepared under the previous legislation and regulations and that the policies in the plan will continue in force for a period of 3 years from the date when the plan is finally adopted.
7. Members will receive a report at a future date on the arrangements that will be put in place to prepare a LDF in accordance with the new requirements and should note that much of the work to date on the revised UDP has taken account of the changes which are now coming into force.
8. Because the transitional provisions apply in the case of the Southwark Plan members should have regard to the following advice, which reflects the provisions of the Town and Country Planning Act 1990 rather than those of the Planning and Compulsory Purchase Act.

9. The procedures for preparing a replacement UDP are detailed in PPG12: Development Plans (1999) and the Town and Country Planning (Development Plan) (England) Regulations 1999 ("the Development Plan Regulations"). The processes adopted by the Council to date in preparing the revised UDP, detailed in the main report comply with Government guidance. The requirements of the Development Plan Regulations concerning publicity for the second deposit draft and the opportunity for comment and objection are summarised in the main report. Members should note that the opportunity to lodge formal objections to the second deposit draft of the UDP are limited to objections to the changes made in the second deposit draft, all material and substantial objections should already have been lodged in response to the first deposit draft.
10. The terms of reference of the Planning Committee include commenting in the successive drafts of the Unitary Development Plan and making recommendations to the Executive as appropriate. Final approval of the revised deposit draft of the Southwark Plan is the responsibility of Council Assembly.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
<i>None – all documents are published documents</i>		

AUDIT TRAIL

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Version	<i>Final</i>	
Dated	<i>24 September 2004</i>	
Key Decision?	<i>No</i>	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Borough Solicitor	Yes	Yes
Chief Finance Officer	No	No
<i>List other Officers here</i>		
Executive Member	No	No
Date final report sent to Constitutional Support Services	24/9/04	