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Dear Mr Cumberlin

## **EXTENSION OF SAVED POLICIES**

I am writing with reference to your application of 27 March for a Direction under Paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 in respect of policies in the East Riding & Hull Joint Waste Local Plan.

The Secretary of State's Direction is attached. Those policies not listed in the Direction will expire on 16 November 2007.

The extension of saved policies listed in this Direction does not indicate that the Secretary of State would endorse these policies if presented to her as new policy. It is intended to ensure continuity in the plan-led system and a stable planning framework locally, and in particular, a continual supply of land for development.

Local Planning Authorities should not suppose that a regulatory local plan style approach will be supported in forthcoming Development Plan Documents. LPAs should adopt a positive spatial strategy led approach to DPD preparation and not seek to reintroduce the numerous policies of many local plans.

The exercise of extending saved policies is not an opportunity to delay DPD preparation. LPAs should make good progress with local development frameworks according to the timetables in their local development schemes. Policies have been extended in the expectation that they will be replaced promptly and by fewer policies in DPDs. Maximum use should be made of national and regional policy especially given the advanced position of the Regional Spatial Strategy and its development plan status.

Following 16 November 2007 the extended policies should be read in context. Where policies were adopted some time ago, it is likely that material considerations, in particular the emergence of new national and regional policy and also new evidence, will be afforded considerable weight in decisions. In particular, we would draw your attention to the importance of reflecting policy in Planning Policy Statement 3 *Housing* and Strategic Housing Land Availability Assessments in relevant decisions.

I am copying this letter and Direction to Pete Ashcroft at East Riding of Yorkshire Council.

Signed by authority of the Secretary of State

**GEOFF DIBB**  
TEAM LEADER, LOCAL DEVELOPMENT FRAMEWORKS  
GOVERNMENT OFFICE FOR YORKSHIRE AND THE HUMBER

**DIRECTION UNDER PARAGRAPH 1(3) OF SCHEDULE 8 TO THE PLANNING  
AND COMPULSORY PURCHASE ACT 2004  
POLICIES CONTAINED IN THE EAST RIDING AND HULL JOINT WASTE LOCAL  
PLAN – ADOPTED NOVEMBER 2004**

The Secretary of State for Communities and Local Government in exercise of the power conferred by paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 directs that for the purposes of the policies specified in the Schedule to this direction, paragraph 1(2)(a) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 does not apply.

Signed by authority of the  
Secretary of State

**GEOFF DIBB  
TEAM LEADER, LOCAL DEVELOPMENT FRAMEWORKS  
GOVERNMENT OFFICE FOR YORKSHIRE AND THE HUMBER  
NOVEMBER 2007**

## SCHEDULE

### POLICIES CONTAINED IN THE EAST RIDING & HULL JOINT WASTE LOCAL PLAN – ADOPTED NOVEMBER 2004

- W2 Development complying with specific policies of the Joint Waste Local Plan will be allowed if detailed planning considerations are acceptable. Detailed planning considerations include:
- (i) impact on local amenity;
  - (ii) impact on the built and natural environment;
  - (iii) regeneration objectives;
  - (iv) design;
  - (v) parking, servicing and access;
  - (vi) traffic generation and road safety;
  - (vii) danger to health or life; and
  - (viii) risk of pollution.
- W3 The Waste Planning Authorities will seek to use planning obligations, if appropriate, to:
- (i) achieve the best form of waste management development; and
  - (ii) compensate for the adverse impact of waste management development.
- W4 (a) The Waste Planning Authorities will require a developer to demonstrate that a sequential approach has been adopted in selecting a site for waste management development and that in the case of development:
- (i) on undeveloped land within an urban area, it cannot be located on previously developed land; and
  - (ii) on undeveloped land outside an urban area, it cannot be located on previously developed land or on land within an urban area.
- 4 (b) Waste management development on agricultural land which satisfies the sequential approach must comply with Policy W17.
- W8 Waste management development adversely affecting a Heritage Coast will not be allowed unless:
- (i) there is no alternative solution;
  - (ii) the reasons for the development clearly outweigh the value of the coastline; and
  - (iii) the effect on the natural environment and landscape is acceptable.

- W9 Waste management development adversely affecting a Local Nature Reserve (LNR), or Site of Importance for Nature Conservation (SINC), will not be allowed unless:  
(i) the reasons for the development clearly outweigh the nature conservation value of the site; and  
(ii) adverse affects on the site are minimised.
- W10 Waste management development within Areas of High Landscape Value, as shown on the Proposals Map, will not be allowed unless it is clearly demonstrated that any effect on the special character and appearance of the landscape is acceptable.
- W11 Waste management development will not be allowed if it harms:  
(i) groundwater source protection zones;  
(ii) aquifers; or  
(iii) surface waters.
- W12 Waste management development will not be allowed:  
(i) in Areas of Erosion, as shown on the Proposals Map;  
or  
(ii) outside Areas of Erosion if it is considered erosion may occur in the longer term.
- W14 (a) Waste management development proposals must identify all trees, hedgerows and woodlands and distinguish those that will be removed from those to be retained or reduced.
- W14 (b) Trees, hedgerows and woodland important to the landscape, to nature conservation or for screening development will be protected.
- W14 (c) Trees, hedgerows and woodlands lost as a result of development will be replaced by new planting in appropriate locations.
- W17 (a) Waste management development resulting in the loss of or damage to agricultural land will not be allowed unless it satisfies the sequential approach of Policy W4.
- W17 (b) Waste management development, if acceptable on agricultural land, will not be allowed on higher quality agricultural land (Grades 1, 2 and 3a) except for reasons of sustainability.
- W19 (a) Waste management development affecting sites of known or potential archaeological importance must be accompanied by an archaeological assessment and, if

appropriate, an evaluation.

- W19 (b) Waste management development adversely affecting Scheduled Ancient Monuments or other nationally important archaeological sites or their settings will not be allowed.
- W19 (c) Waste management development adversely affecting other sites of archaeological importance or their settings will not be allowed unless the need for the development clearly outweighs the archaeological value of the site.
- W19 (d) If development is allowed the Waste Planning Authorities will consider using conditions and/or planning obligations to ensure that:
- (i) any archaeological remains will be preserved in situ by careful design, layout and siting of the development; or
  - (ii) satisfactory provision will be made for recording and/or excavation by a competent archaeological organisation prior to and during development, if in situ preservation is not feasible or justified.
- W22 (a) Waste management development will, if possible, make use of rail or water transport to meet its operational requirements.
- W22 (b) Development making significant use of road transport will clearly demonstrate that reliance on rail or water transport is not feasible.
- W23 Waste management development will be allowed if:
- (i) road traffic movements arising can be satisfactorily accommodated on the local road network; and
  - (ii) impacts on local communities, including businesses, are acceptable.
- W24 Transport improvements required to allow waste management development must be completed before the development is brought into use.
- W26 (a) Waste management development contributing towards self-sufficiency in the Joint Waste Local Plan area will be allowed in appropriate locations.
- W26 (b) Waste management development dealing exclusively or substantially with waste from outside the Joint Waste Local Plan area will not be allowed unless a clear need for the development is demonstrated.

- W28
- (a) Materials recovery, anaerobic digestion and central composting development will be allowed if:
- (i) it is within the site of an established waste management facility; or
  - (ii) it uses appropriate existing buildings; or
  - (iii) it complies with Policy W4
- (b) Materials recovery, anaerobic digestion and central composting development proposals will be allowed in other locations if development in established facilities, in existing buildings or on sites previously developed is clearly not practicable
- W29
- Incineration with energy recovery development will be allowed if:
- (i) its advantages in the particular circumstances over materials recovery, anaerobic digestion and large scale composting are clearly demonstrated;
  - (ii) it includes the efficient recovery of energy;
  - (iii) it complies with Policy W4; and
  - (iv) its visual impact, in particular the chimney, is acceptable.
- W30
- Incineration without energy recovery development will not be allowed unless:
- (i) it can be clearly demonstrated that there is no practicable alternative for managing the waste involved;
  - (ii) it is small scale;
  - (iii) it serves a specialist need;
  - (iv) it complies with Policy W4; and
  - (v) its visual impact, in particular the chimney, is acceptable.
- W35
- Scrapyard, vehicle dismantling or other forms of metal recovery development will be allowed if:
- (i) it contains current operations within new buildings on its existing site; or
  - (ii) it relocates existing operations to a site which complies with Policy W4 and it permanently removes the use from its current site.
- W36
- Wastewater treatment development will be allowed if it complies with Policy W4.