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21 September 2007

Our Ref:  
Your Ref: P/MWDF/MWDS

Dear Mr Feasey

**PLANNING AND COMPULSORY PURCHASE ACT 2004  
KENT MINERALS SUBJECT PLAN: BRICKEARTH WRITTEN STATEMENT  
SAVED POLICIES APPLICATION**

I am writing with reference to your application of 30 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 Kent Minerals Subject Plan: Brickearth Written Statement.

The Secretary of State's Direction is attached. Those policies not listed in the Direction will expire on 27 September 2007.

The Secretary of State's assessment of whether saved policies should be extended is based upon the criteria set out in Planning Policy Statement 12: *Local Development Frameworks* and the Department for Communities and Local Government protocol on saving policies. The Secretary of State's decisions concern some policies where there have been representations from a third party expressing views that differ from those of the local authority. Also, her decisions in respect of some policies have the effect of saving policies that an authority requested should not be extended. For clarity, where either or both of these two circumstances apply, the Secretary of State's reasons are set out in the table at the end of this letter.

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 (DPDs). 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 development plan status of the regional spatial strategy.

Following 27 September 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.

Policy Ref	Reason	Extended	Not Extended

Yours sincerely

John Cheston  
Senior Planning Officer

**DIRECTION UNDER PARAGRAPH 1(3) OF SCHEDULE 8 TO THE PLANNING AND  
COMPULSORY PURCHASE ACT 2004  
POLICIES CONTAINED IN THE KENT MINERALS SUBJECT PLAN:  
BRICKEARTH WRITTEN STATEMENT  
ADOPTED MAY 1986**

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 (1) 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

John Cheston  
Senior Planning Officer  
Housing and Planning Directorate  
Government Office for the South East

21 September 2007

## SCHEDULE

### POLICIES CONTAINED IN THE KENT MINERALS SUBJECT PLAN: BRICKEARTH WRITTEN STATEMENT

Policy No.
B1
B2
B3
B4
B5
B6
B7
B9
B10
B11
B12
B13
B14