
Report to
Planning Committee
Council

Insert Date of meeting
25 October 2007
30 October 2007

Report of
Director of City Development

Title
Coventry Development Plan 2001: Saved Policies

1 Purpose of the Report

- 1.1 The purpose of this report is inform Members of the outcome of the Secretary of State for Communities and Local Government's consideration of which policies in the Coventry Development Plan should be retained as planning policy.

2 Recommendations

- 2.1 Planning Committee is asked to note the revisions to the Coventry Development Plan contained in this report.
- 2.2 Council is asked to note the Secretary of State's Direction

3 Information/Background

- 3.1 The Planning and Compulsory Purchase Act 2004, which introduced the new planning system of Local Development Frameworks, provided interim arrangements whereby Local Planning Authorities could "save" the policies of their existing development plans for a 3-year period commencing on 28 September 2004. This concept relates to the need for continuity during the change from the old to the new planning system. The Act also gave the Secretary of State power to make a direction to "save" policies beyond this 3-year period. Progress on new-style plans has not been as quick as envisaged when the Act was passed and it became clear that the introduction of new planning policies across the country was small. As a result, action was needed to ensure that relevant policies remained in force in order to ensure that planning decisions were lawful.
- 3.2 Therefore, last year, the Government issued a protocol on the "saving" of development plan policies. If Local Planning Authorities wanted to retain policies beyond the expiry of the 3-year period after 27 September 2007, they needed to seek the Secretary of State's agreement to do so. The timescale and guidance for this exercise were such that it was not

possible to build in effective engagement with the community and this has led to some misunderstandings.

- 3.3 On 20 March 2007, the City Council approved lists of policies it wished to see deleted or retained in the Coventry Development Plan. As requested, these were submitted to the Government Office for the West Midlands for an assessment and for the Secretary of State to make the final decision. Councils were advised that the Secretary of State could: (a) agree with their recommendations; (b) decide to save a policy even where deletion had been recommended; or (c) decide that a policy would not be saved despite the recommendation.

4 Proposal and Other Option(s) to be Considered

- 4.1 The Secretary of State issued a Direction in September 2007, under covering letter, which included a Schedule of the saved policies. These documents are included within the appendix to this report. The decision generally followed the City Council's recommendations. However, four additional policies were also identified for deletion. These were policies:

H 7 - Housing Land Provision - contrary to PPS 3 (Housing) due to its significant reliance on windfall housing sites, compared to allocations;

H 14 - Gypsies and Travellers – having been overtaken by Circular 01/2006 (Planning for Gypsy and Traveller Sites) which says that local authorities must allocate sufficient sites for gypsies and travellers in development plan documents;

GE 13 - Species Protection – since paragraph 15 of PPS 9 (Biodiversity and Geological Conservation) states that specific policies should not be included in development plans because of the statutory protection received by many species; and

EM 1 - Alternative Energy Resources – having been overtaken by more detailed policies in PPS 22 (Renewable Energy).

- 4.2 The Secretary's of State's covering letter noted that the extension of saved policies does not indicate that she would endorse those policies if presented as new policy. Local planning authorities "should not suppose that a regulatory local plan style approach would be supported" in the new system and should "not seek to reintroduce the numerous policies of many local plans". Local planning authorities "should adopt a positive spatial strategy led approach" to plan preparation.

- 4.3 It is clearly not possible to re-publish the Coventry Development Plan. Instead, your officers will provide information about the saved policies as follows:

- to all Council Directorates;
- through the Council's website;
- to parish councils;
- to libraries; and
- to all listed on the Local Development Framework database.

- 4.4 It should be noted that the deletion of policies would affect the Proposals Map. However, the Government Office has advised that re-printing the Proposals Map is unnecessary, providing that it is read in conjunction with the Schedule of saved policies.

5 Other specific implications

- 5.1

	Implications (See below)	No Implications
Best Value		◆
Children and Young People		◆
Comparable Benchmark Data		◆
Corporate Parenting		◆
Coventry Community Plan		◆
Crime and Disorder		◆
Equal Opportunities		◆
Finance		◆
Health and Safety		◆
Human Resources		◆
Human Rights Act		◆
Impact on Partner Organisations		◆
Information and Communications Technology		◆
Legal Implications	◆	
Neighbourhood Management		◆
Property Implications		◆
Race Equality Scheme		◆
Risk Management		◆
Sustainable Development		◆
Trade Union Consultation		◆
Voluntary Sector – The Coventry Compact		◆

5.2 Legal implications

Section 86 of the Planning and Compulsory Purchase 2004 Act requires that in determining applications for planning permission decisions shall be made in accordance with the development plan (ie the Regional Spatial Strategy and the Coventry Development Plan) and any other material planning considerations. Therefore it was essential to obtain the Secretary of State's approval to save the planning policies beyond September 2007.

6 **Monitoring**

- 6.1 As we move towards the preparation of a preferred Core Strategy we will continue to monitor the effectiveness of existing policy and changes in the structure and economy of the city and will publish the annual monitor

7 Timescale and expected outcomes

- 7.1 Government guidance gave no time limits for saved policies. Thus, they remain in force until superceded by relevant development plan documents in the RSS and Local Development Framework.

	Yes	No
Key Decision		√
Scrutiny Consideration (if yes, which Scrutiny meeting and date)		√
Council Consideration (if yes, date of Council meeting)	30 October 2007	

List of background papers

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Papers open to Public Inspection

Description of paper

Local Development Framework LDF1

Location CC4/6.01

APPENDIX

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7 September 2007

Dear Niall

PLANNING & COMPULSORY PURCHASE ACT 2004

I am writing with reference to your application of 27th March 2007 applying for a direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 in respect of policies in the City of Coventry Unitary Development Plan.

The Secretary of State's Direction is attached. Those policies not listed in the Direction will expire on 27th 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 and 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 your authority or where her views differ from those of your authority. Where these circumstances apply the Secretary of State's reasons for the decision 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 only 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. Local Planning Authorities 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 timetables in 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 saved policies should be read in context. Where policies were originally 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.

Policy Ref	Reason	Decision
H7 Housing Land Provision	Contrary to PPS3 due to its significant reliance on windfalls	Not Extended
H14 Gypsies and travellers	The policy is more restrictive than Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites	Not Extended
GE13 Species Protection	The policy is contrary to paragraph 15 of PPS9.	Not Extended
EM1 Alternative Energy Resources	The policy is more restrictive than PPS22.	Not Extended

Signed by authority of the
Secretary of State



DAVID MARR
HEAD OF PLANNING AND HOUSING
GOVERNMENT OFFICE FOR THE WEST MIDLANDS

**DIRECTION UNDER PARAGRAPH 1(3) OF SCHEDULE 8 TO THE PLANNING AND
COMPULSORY PURCHASE ACT 2004
POLICIES CONTAINED IN THE CITY OF COVENTRY UNITARY DEVELOPMENT PLAN
ADOPTED DECEMBER 2001**

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

A handwritten signature in black ink, appearing to read 'D Marr', is written over the typed name.

DAVID MARR
HEAD OF PLANNING AND HOUSING
GOVERNMENT OFFICE FOR THE WEST MIDLANDS

7 September 2007

SCHEDULE
POLICIES CONTAINED IN
CITY OF COVENTRY UNITARY DEVELOPMENT PLAN
ADOPTED 9 DECEMBER 2001

Policy Number	Policy Name
OS 1	The Objectives and Outcomes of the Plan
OS 2	Strategic Regeneration Sites
OS 3	Local Area Regeneration
OS 4	Creating a More Sustainable City
OS 5	Achieving a High Quality City
OS 6	Change of Land Use
OS 7	Mixed Land Use
OS 8	Equal Opportunity
OS 9	Access by Disabled People
OS 10	Planning Obligations
SCL1	Social, Community, Leisure and Indoor Sports Facilities
SCL2	Large Social, Community, Leisure and Indoor Sports Facilities
SCL3	Small Social, Community, Leisure and Indoor Sports Facilities
SCL6	Education Facilities
SCL7	Schools and Colleges of Further Education
SCL8	Coventry University
SCL9	University of Warwick
SCL10	Health and Social Care
SCL12	Local Health and Social Care Facilities
SCL14	Re-use or Redevelopment of Facilities
H 1	People and their Housing Needs
H 2	Balancing New and existing housing

Policy Number	Policy Name
H 3	The Improvement of the Housing Stock
H 4	Residential Extensions
H 5	Conversion from non-residential to residential use
H 6	Conversion to Multiple Occupation
H 8	Principal Housing Sites
H 9	Windfall Additions to Housing Land Supply
H 10	Affordable Housing
H 11	Housing for people with special needs
H 12	Design and density of housing development
H 13	Care homes and nursing homes
GE1	Green Environment Strategy
GE2	Green Space Enhancement Sites
GE3	Green Space Corridors
GE4	Protection of Outdoor Sports Facilities
GE5	Protection of Allotment Gardens
GE6	Control over Development in the Green Belt
GE7	Industrial or Commercial Buildings in the Green Belt
GE8	Control Over Development in Urban Green Space
GE9	Green Space Provision in New Housing Developments Outside the City Centre
GE10	Proposals for New or Expanded Outdoor Sport or Recreation Facilities in Urban Green Space
GE11	Protection of Sites of Special Scientific Interest, Local Nature Reserves and Coventry Nature Conservation Sites
GE12	Protection of Other Sites of Nature Conservation Value
GE14	Protection of Landscape Features
GE15	Designing New Development to Accommodate Wildlife
EM2	Air Quality
EM3	Water Resources and Quality
EM4	Flood Risk & Development

Policy Number	Policy Name
EM5	Pollution Protection Strategy
EM6	Contaminated Land
EM7	Hazardous Installations and Nearby Development
EM8	Light Pollution
EM9	Waste Strategy
EM10	Re-Use and Recycling
EM11	Materials Recycling Facility
EM12	Composting
EM13	Landfill
E1	Overall Economy & Employment Strategy
E2	Consolidating & Strengthening City's Economic Base
E3	Diversification of the Local Economy
E4	Hotels, Conference & Training Accommodation
E5	Office Development
E6	Principal Employment Sites
E7	Site Reserved for the Expansion of Jaguar/Ford Cars
E8	Redevelopment of Existing Employment Sites
E9	Windfall Additions to Employment Land Supply
E10	Accessibility to job opportunities
E11	Employment & training Initiatives to assist the Priority Areas
E12	Warehousing Development
E13	General Industrial Development (B2) in Residential Areas
CC 1	City Centre Strategy
CC 2	A Vibrant and Entertaining Market Place
CC 3	A Living Heart
CC 4	New Housing Sites
CC 5	Sites and Areas with a Substantial Housing Element

Policy Number	Policy Name
CC 6	Warm and Welcoming Public Spaces
CC 7	Major Environmental Improvement Schemes
CC 8	Accessible to All
CC 10	Public Car Parking
CC 11	Sparkling through Good Design and Management
CC 12	Distinctive Areas
CC 13	The Central Shopping Area
CC 15	Smithford Way Redevelopment
CC 16	Barracks Redevelopment
CC 18	West End Area
CC 21	The Southside Area
CC 23	The Queens Road/Butts Area
CC 24	Queens Road/ Butts Area – Social, Community and Leisure Uses
CC 25	The Station Area
CC 26	Station Area Sites
CC 27	The Parkside Area
CC 30	The Coventry University Area
CC 33	The Cathedral Area
CC 34	The Phoenix Area
CC 38	Phoenix 3
CC 39	Pool Meadow
CC 40	The Ring Road Area
CC 41	Subways
CC 42	Bridges
CC 43	"At-grade" Crossings
CC 44	The Swanswell Area
CC 45	The Coventry and Warwickshire Hospital Site
BE 1	Overall Built Environment Strategy

Policy Number	Policy Name
BE 2	The Principles of Urban Design
BE 4	Road Corridors
BE 5	The Canal Corridor
BE 6	The West Coast Main Line Railway Corridor
BE 7	Gateways
BE 8	Conservation Areas
BE 9	Development in Conservation Areas
BE 10	The Retention of Buildings in Conservation Areas
BE 11	Alteration or Extension of Listed buildings
BE 12	Change of Use of Listed Buildings
BE 13	Demolition of Listed Buildings
BE 14	" Locally Listed" Buildings
BE 15	Archaeological Sites
BE 16	Telecommunications
BE 17	Outdoor Advertisements
BE 18	Public Art
BE 19	Lighting
BE 20	Landscape Design and Development
BE 21	Safety and Security
AM 1	An integrated, accessible and sustainable transport strategy.
AM 2	Public Transport
AM 3	Bus Provision in major new developments.
AM 4	Bus Priority Measures
AM 5	Bus Park and Ride
AM 6	Hackney Carriage Ranks
AM 7	Rail Services
AM 8	Improving Pedestrian Routes

Policy Number	Policy Name
AM 9	Pedestrians in new developments
AM 10	Traffic Calming
AM 11	Improving Cycling Facilities
AM 12	Cycling in New Developments
AM 13	Cycle Routes
AM 14	Roads
AM 15	Highway Authority Road Schemes
AM 16	Other Road Schemes
AM 19	Off-street car parking areas
AM 20	Road Freight
AM 22	Road safety in New Developments
S 1	Shopping Strategy
S 2	Major District Centres
S 3	Foleshill Gasworks Major District Centre
S 4	District Centres
S 5	Local Centres
S 6	Ground Floor Units in Defined centres
S 9	Local Shops
S 10	Catering Outlets
S 11	Edge-of-Centre and Out-of-Centre Retailing