

CABINET

26 November 2008

Report of the Portfolio Holder Economic Development and Enterprise

TAMWORTH LOCAL PLAN 2001-2011 SAVED POLICIES

Purpose

For Cabinet to approve the Local Plan policies that the Council wishes to see saved or deleted. These will be submitted to the Government Office for the West Midlands for the Secretary of State to consider and to issue a direction.

Executive Summary

The Tamworth Local Plan was adopted on 6 July 2006 and under the provisions of the Planning and Compulsory Purchase Act 2004, the policies remain in force for three years. If the Council wishes to retain any of the policies beyond 6 July 2009, it must apply to the Secretary of state for agreement to issue a direction at least six months before the policies are due to expire.

The new development plan regime aims to streamline the process of producing development plan documents and to make the documents locally distinctive. Policies should not repeat national or regional guidance and should only be included if there are local circumstances that demand a different policy approach or local interpretation of higher level policy. Consideration of all of the policies against criteria set out in Planning Policy Guidance Note 12: Local Spatial Planning has resulted in the proposed saving of 27 and deletion of 52 policies. The main reason to save policies is because they form part of the Council's central local plan strategy, they are consistent with but do not repeat national policy and they provide a local interpretation of policy.

The Council will submit the policies to the Government Office for the West Midlands (GOWM) for the Secretary of State to consider and issue a direction.

Implications of this report

Service delivery implications

From July 2009 there will be a greater reliance on national policy to inform decision making on planning applications because a large proportion of the local plan policies will be deleted.

Policy implications

It is essential that there is a policy basis for guiding development and making decisions on planning applications. All the Local Plan policies with the exception of EMP1 and EMP2, which were deleted by the High Court Challenge, will remain in force until 6 July 2009. Together with national and regional policy the saved policies will provide the policy basis for decision

making until they are replaced by the Core Strategy and other development plan documents.

Financial implications

There are no financial implications arising from this report.

Legislative implications

There are no legislative implications arising from this report.

Recommendations

It is recommended that Members:

- 1. Approve the list of policies from the Tamworth Local Plan 2001-2011 that the Council wishes to see saved or deleted.**
- 2. Authorise officers to submit the list of policies to the Government Office for the West Midlands.**

If Members would like further information or clarification prior to the meeting please contact Jane Parry Ext. 278.

TAMWORTH LOCAL PLAN 2001-2011 SAVED POLICIES

Background

The Tamworth Local Plan contains 79 policies, which are based around the topics of environment, transport, employment, housing and town centre/retailing. In addition, there is a final section which deals with implementation and monitoring and contains two policies.

The Local Plan was adopted on 6 July 2006 and under the provisions of the Planning and Compulsory Purchase Act 2004, all the policies in the Plan are saved for three years from the date of adoption. If the Council wishes to retain any of the policies beyond 6 July 2009, it must apply to the Secretary of State for agreement to issue a direction. The Council must do this at least six months before the policies are due to expire.

The Process of Saving Policies

The Council needs to justify its decision for saving policies, which should be based on criteria specified in Planning Policy Statement 12: Local Spatial Planning, which are set out below:

- There is a clear central strategy
- Policies have regard to the Sustainable Community Strategy
- Policies are in conformity with the regional spatial strategy or spatial development strategy
- There are effective policies for any parts of the authority's area where significant change in the use of development of land or conservation of the area is envisaged
- Policies are necessary and do not repeat national or regional policy

Policy types relevant to Tamworth that the Government will have particular regard to include:

- Those that support the delivery of housing, including unimplemented site allocations
- Those that support economic development and regeneration, including policies for retailing and town centres

The Development Control function is a key indicator of the frequency with which policies are used in the decision making process. However, frequent use does not necessarily mean that a policy should automatically be retained if it is already covered by national policy. The opposite also applies, where a policy may not be used much, but it will be important for the delivery of the Local Plan's overall strategy or it may provide the only criteria against which to consider certain proposals.

Under the previous development plan regime, there was an expectation from the users of local plans that they contain a policy for all types of development relevant to their area. The new Development Plan system, however, aims to streamline the process and make plans locally distinctive, so that policies do not repeat national or regional guidance and are only included if there are local

circumstances that demand a different policy approach or local interpretation of higher level policy.

A review of the Tamworth Local Plan policies revealed the following:

- About a third of the policies repeat national guidance, particularly those relating to the environment (built heritage, transport, flood risk, contaminated land, pollution and the Green Belt) and are therefore unnecessary.
- A number cover very similar issues and could be reduced to avoid duplication, this applies particularly to the established employment areas.
- A small number are actually time expired, such as those relating to the phased release of housing sites and criteria used to allocate sites.
- Recent updates to national planning guidance have rendered some policies out of date, such as the affordable housing policy and policies that do not set targets e.g. for habitat restoration and providing specialist housing.
- Some policies cover issues that are more appropriate for a supplementary planning document or other development plan document, such as Percent for Art, car parking standards and the road hierarchy.

The Local Plan policies have been separated into two distinct tables. Appendix 1 lists the 27 policies that the Council wishes to save, together with a justification and an indication of the Council's longer term intention for dealing with the issues covered by the policy. In most cases this will be incorporation of the issues into the Core Strategy or other development plan document. Appendix 2 lists 52 policies that the Council does not wish to save and an explanation. It should be noted that although Policies EMP1 and EMP2 have already been deleted through the High Court Challenge in 2007, they are included for completeness.

Following Cabinet, the policies will be submitted to the Government Office for the West Midlands as the Council's formal request for extension beyond 6 July 2009. Until that date, all the policies will remain in force, with the exception of EMP1 and EMP2. The Secretary of State will issue a direction which will set out whether she agrees with the Council's recommendations. A full explanation will be provided where there is disagreement.

Appendix 1: Policies from the Local Plan which the authority wishes to see saved

Policy Ref.	Policy name and purpose	Usage of policy	Request to save policy beyond July 2009	How does policy meet the criteria in paragraph 9.2 of PPS12	Other reason for saving beyond 3 years	What will replace saved policy after July 2009
Environment						
ENV7	Habitats and biodiversity outside designated nature conservation sites – protects biodiversity outside designated sites	Occasional	Yes	It forms part of a clear central strategy and is consistent with national policy (PPS9).	Policy sets out local expectations for consideration of proposals and mitigation.	Replace with policy in Core Strategy
ENV8	Habitats of legally protected species – protects habitats of legally protected species and provides criteria for mitigation	Occasional	Yes	It forms part of a clear central strategy and is consistent with national policy (PPS9) whereby habitats rather than species themselves are protected by the planning system. Also consistent with RSS (Policy QE7).	Provides additional local detail to that set out in PPS9.	Replace with policy in Core Strategy
ENV9	Protection of trees, woodlands and hedgerows – protects trees, woodlands and hedgerows against development	Often	Yes	It forms part of a clear central strategy and is consistent with national policy (PPS9).	Protects trees, woodlands and hedgerows that are not already covered by TPO's, conservation areas or designated biodiversity sites.	Replace with policy in Core Strategy
ENV13	Protection of open space - protects open space network and provides criteria against which to assess proposals that would affect this network	Occasional	Yes	It forms part of a clear central strategy and is consistent with national policy (PPG17) and the RSS (Policy QE4).	Proposals map defines open space and policy provides criteria against which to assess proposals.	Replace with policy in Core Strategy

Policy Ref.	Policy name and purpose	Usage of policy	Request to save policy beyond July 2009	How does policy meet the criteria in paragraph 9.2 of PPS12	Other reason for saving beyond 3 years	What will replace saved policy after July 2009
ENV14	Open space for new developments – sets out NPFA standard for open space provision	Often	Yes	It forms part of a clear central strategy and is consistent with national policy (PPG17).	In the absence of local standards, need to provide guidance on minimum standards. Adopted SPD is linked to this policy.	Replace with policy in Core Strategy.
ENV18	Anker Valley public access area – seeks provision of public access in the Anker Valley associated with strategic development	Occasional	Yes	It forms part of a clear central strategy and is consistent with national policy (PPS1 and PPG17).	Policy/proposal is considered necessary to ensure that public access is maintained to the Anker Valley following development of the strategic housing site which is allocated in policy HSG4.	Replace with proposal/policy in Core Strategy and site allocations DPD if site is still considered appropriate and sustainable.
ENV19	High quality design – sets out criteria to be applied to all applications	Often	Yes	It forms part of a clear central strategy and is consistent with national policy (PPS1 and PPS3) and the RSS (Policy QE3).	Frequently used policy that sets out detailed design criteria to be used for all development in relation to scale, appearance, amenity, safety, landscaping, traffic and lighting.	Replace with policy in Core Strategy.
Transport						
TRA3	Traffic – ensures that new development does not impose unacceptable pressure on the highway network	Occasional	Yes	It forms part of a clear central strategy and is consistent with national policy (PPG13).	Useful policy against which to assess transport implications of proposals.	Replace with core or development management policy in Core Strategy.

Policy Ref.	Policy name and purpose	Usage of policy	Request to save policy beyond July 2009	How does policy meet the criteria in paragraph 9.2 of PPS12	Other reason for saving beyond 3 years	What will replace saved policy after July 2009
TRA8	Transport proposals – sets out road and public transport schemes	Rare	Yes	It forms part of a clear central strategy and is consistent with national policy (PPG13).	Schemes are important for the delivery of the Local Plan's spatial strategy, particularly b) and c), which are essential to the delivery of the strategic housing allocation at the Anker Valley. Policy also encourages greater use of public transport.	Replace with policy and infrastructure proposals in Core Strategy.
Employment						
EMP3	Uses within established employment area – sets out appropriate uses and restricts proportion of B8 uses	Occasional	Yes	It forms part of a clear central strategy and is consistent with national policy (PPS1).	Useful policy that aims to prevent the loss of employment land to other uses. There is a limited amount of employment land due to the restricted nature of the Borough. Need a policy to ensure a diverse portfolio of sites and a balance of uses.	Replace with policy in Core Strategy.
EMP7	Working from home – encourages working from home and sets out criteria for considering applications	Occasional	Yes	It forms part of a clear central strategy and is consistent with national policy (PPS1).	Sets out criteria against which to assess proposals. Retain in the absence of national policy guidance.	Replace with core or generic development policy in Core Strategy.
Housing						
HSG2	Housing proposal sites – allocates sites to meet Structure Plan target	Occasional	Yes	It forms part of a clear central strategy and represents unimplemented site allocations.	Unimplemented allocations are important to delivery the Local Plan's spatial strategy and to meet housing need.	Replace with policy in Core Strategy and site allocations DPD.

Policy Ref.	Policy name and purpose	Usage of policy	Request to save policy beyond July 2009	How does policy meet the criteria in paragraph 9.2 of PPS12	Other reason for saving beyond 3 years	What will replace saved policy after July 2009
HSG4	Anker Valley strategic housing proposal – confirms Anker Valley as a strategy housing site and sets out expectations for infrastructure and new local services	Occasional	Yes	It forms part of a clear central strategy.	Delivery of site is crucial to the delivery of the Local Plan's spatial strategy and to meet housing need.	Replace with proposal/policy in Core Strategy and site allocations DPD if site is still considered appropriate and sustainable.
HSG5	Residential development within the urban area – sets out criteria for assessing proposals	Often	Yes	It forms part of a clear central strategy and is consistent with national policy (PPS3) and the RSS (Policy QE3).	Frequently used policy that sets out local criteria for assessing applications.	Replace with generic development policy in Core Strategy.
HSG11	Planning obligations – sets out the requirements that will be placed on developers of housing sites	Often	Yes	It forms part of a clear central strategy and is consistent with national policy (PPS3).	Frequently used policy that provides guidance on the types of planning contributions. Necessary to retain because adopted SPD relates to it.	Replace with policy in Core Strategy.
HSG14	Extensions to existing properties – sets out criteria for assessing proposals	Often	Yes	It forms part of a clear central strategy and is consistent with national policy (PPS1) and the RSS (Policy QE3)	Frequently used policy that sets out local criteria for assessing applications.	Replace with generic development policy in Core Strategy.
HSG16	Provision of accommodation for Gypsies/ Travellers – sets out criteria for assessing proposals	Rare	Yes	It forms part of a clear central strategy and is consistent with national policy (PPS3) and guidance (circular 01/06).	In the absence of specific allocations, this policy provides criteria for assessing applications.	Replace with policy and possibly allocation in Core Strategy and site allocations DPD if considered necessary.

Town Centre and Retailing						
TCR1	Shopping policy area – defines the extent of the main retail area of the town centre	Rare	Yes	It forms part of a clear central strategy and is consistent with national policy (PPS6) and the RSS (Policy UR3).	Policy is a key element of the Local Plan strategy to consolidate Tamworth town centre as the main retail and commercial heart of the Borough.	Replace with policy in Core Strategy and possible town centre area action plan.
TCR2	Shopping proposal – allocates the Gungate Precinct for major redevelopment	Occasional	Yes	It forms part of a clear central strategy and is consistent with national policy (PPS6) and the RSS (Policies UR3 and PA11).	Redevelopment of the Gungate Precinct is critical to the regeneration of the town centre.	Replace with allocation in core strategy, allocations DPD and/or town centre area action plan.
TCR4	Shopping frontages – protects the predominantly retail function of primary shopping frontages	Occasional	Yes	It forms part of a clear central strategy and is consistent with national policy (PPS6) and the RSS (Policy UR3).	Policy is a key element of the Local Plan strategy to maintain the predominantly retail character of the primary shopping frontages, which are defined on the proposals map.	Replace with policy in Core Strategy.
TCR5	Housing in the town centre – encourages use and conversion of underused space for residential use and as part of mixed use schemes	Occasional	Yes	It forms part of a clear central strategy and is consistent with national policy (PPS1, PPS3 and PPS6) and the RSS (Policy UR3).	Policy is a key element of the Local Plan strategy to meet the residential needs of the Borough in a highly sustainable location. It also encourages the efficient use of land.	Replace with generic development policy in Core Strategy and possible town centre area action plan.
TCR6	Residential policy areas – protects the residential character of the peripheral parts of the town centre	Occasional	Yes	It forms part of a clear central strategy and is consistent with national policy (PPS1, PPS3 and PPS6).	Useful policy that consolidates the predominantly residential parts of the town centre and protects their character from inappropriate uses.	Replace with policy in Core Strategy and possible town centre area action plan.

TCR7	Mixed use area (i) – defines an area outside the main retail area where a mix of uses would be appropriate	Occasional	Yes	It forms part of a clear central strategy and is consistent with national policy (PPS1 and PPS6) and the RSS (Policy UR3).	Useful policy that encourages a mix of use which add to the vitality of this part of the town centre.	Replace with policy in Core Strategy and possible town centre area action plan.
TCR8	Mixed use area (ii) - defines an area outside the main retail area where a mix of uses would be appropriate	Occasional	Yes	It forms part of a clear central strategy and is consistent with national policy (PPS1 and PPS6) and the RSS (Policy UR3).	Useful policy that encourages a mix of use which add to the vitality of this part of the town centre.	Replace with policy in Core Strategy and possible town centre area action plan.
TCR9	Mixed use area (iii) - defines an area outside the main retail area where a mix of uses would be appropriate	Occasional	Yes	It forms part of a clear central strategy and is consistent with national policy (PPS1 and PPS6) and the RSS (Policy UR3)	Useful policy that encourages a mix of use which add to the vitality of this part of the town centre	Replace with policy in Core Strategy and possible town centre area action plan.
TCR12	Parking – defines the area within which commuted sums will be sought in lieu of on-site parking provision	Often	Yes	It forms part of a clear central strategy and is consistent with national policy (PPG13).	Policy is frequently used when assessing town centre development proposals.	Replace with policy in Core Strategy and possible town centre area action plan.
TCR13	Development in local centres – protects the retail function of local centres whilst allowing diversification	Rare	Yes	It forms part of a clear central strategy and is consistent with national policy (PPS1 and PPS6) and the RSS (Policy UR3).	Although not frequently used, policy protects local centres from losing retail focus and ensures that deprived areas retain a range of retail facilities	Replace with policy in Core Strategy.

Appendix 2: Policies from the Local Plan which the Authority does not wish to save

Policy Ref.	Policy Name and purpose	Usage of policy	Request to save policy beyond July 2009	Reason why policy was not requested to be saved
Environment				
ENV1	Accessible open space – encourages the provision of a network of accessible green space throughout the Borough.	Rare	No	Unnecessary, protection of the open space network is covered by Policy ENV13.
ENV2	Green Belt – sets out framework for considering new development in the Green Belt.	Rare	No	Unnecessary. Policy duplicates advice in PPG2.
ENV3	Flood Risk – sets out criteria relating to flood risk in respect of development proposals	Often	No	Policy has been superseded by updated national policy guidance in PPS25 and the companion guide.
ENV4	Development affecting sites of national nature conservation importance – sets out framework for consideration of development proposals affecting sites of national importance.	Rare	No	Covered by national policy guidance in PPS9.
ENV5	Development affecting sites of local nature conservation importance - sets out framework for considering development proposals affecting sites of local importance	Occasional	No	Policy does not accord with PPS9 paragraph 9 which states that policies should be criteria based
ENV6	Creation of habitats and enhancement of biodiversity – supports proposals that contribute to an increase in the number and extent of sites of nature conservation importance and deliver UK and BAP targets.	Rare	No	Statement of intent. Policy and proposals map do not identify any sites for habitat creation or restoration and are therefore contrary to PPS9.
ENV10	Protection, enhancement and restoration of river and canal corridors – supports development proposals that protect and	Rare	No	Statement of intent. Protection of rivers and canals covered by Policy ENV13.

Policy Ref.	Policy Name and purpose	Usage of policy	Request to save policy beyond July 2009	Reason why policy was not requested to be saved
	enhance these features			
ENV11	Impact of development on water courses – protects water resources from pollution and depletion and discourages culverting	Rare	No	Covered by national policy guidance in PPS1 and supplement, PPD23 and PPS25. Environment Agency is consulted on all applications that involve culverting.
ENV12	Sustainable drainage systems – requires provision in new development	Occasional	No	Covered by national policy guidance in PPS25 and the companion guide.
ENV15	Loss of playing fields and sports pitches – offers protection against loss from development	Occasional	No	Policy duplicates advice in PPG17.
ENV16	New football stadium and related facilities – provides framework for consideration of proposals for football stadia	Rare	No	Unnecessary. Applications would be dealt with by other saved policies such as EMP5 and TCR3.
ENV17	Increasing public access land – encourages increase in publicly accessible open space	Rare	No	Statement of intent, duplicates provisions of saved Structure Plan policy R4
ENV20	Contaminated sites and landfill gas – sets out framework for dealing with development sites that might be contaminated	Occasional	No	Covered by national policy guidance in PPS23.
ENV21	Protection of the built environment – protects character and appearance of built environment from development proposals	Occasional	No	Covered by national policy guidance in PPS1.
ENV22	Development within or affecting conservation areas – protects features within conservation areas from development affecting them or their setting	Occasional	No	Policy duplicates advice in PPG15.
ENV23	Demolition of unlisted buildings within conservation areas – protects unlisted buildings from adverse effects of development proposals	Rare	No	Policy duplicates advice in PPG15.

ENV24	Preservation of listed buildings – protects listed buildings and their settings from adverse effects of development	Occasional	No	Policy duplicates advice in PPG15.
ENV25	Alteration, extension or change of use of listed buildings – sets out criteria for assessing proposals for works to listed buildings	Often	No	Policy duplicates advice in PPG15.
ENV26	Demolition of listed buildings – protects listed buildings against demolition and sets out criteria where there are justifiable exceptional circumstances	Rare	No	Policy duplicates advice in PPG15.
ENV27	Development affecting locally listed buildings – protects locally listed buildings and their settings from development proposals	Occasional	No	Policy duplicates advice in PPG15.
ENV28	Archaeology – protects archaeological remains from adverse effects of development	Occasional	No	Policy duplicates advice in PPG16.
ENV29	Percent for art – encourages development contributions towards public art	Rare	No	Rarely used, more appropriate for planning obligations policy or SPD.
ENV30	Utility services – requires new utility infrastructure to have a minimal visual impact	Rare	No	More a matter for a development management policy or SPD.
Transport				
TRA1	Pedestrians and cyclists - ensures that priority is given to pedestrians and cyclists in new development	Occasional	No	Covered by national policy in PPS1 and PPG13
TRA2	Public transport – requires consideration of public transport as an integral part of development proposals	Occasional	No	Covered by national policy in PPS1 and PPG13
TRA4	Transport assessments – requirement for	Occasional	No	Covered by national policy in PPG13

	development to be accompanied by transport assessment if likely to have significant transport implications in order to assess			
TRA5	Green travel plans – requirement for certain developments to ensure development is not reliant on car	Occasional	No	Covered by national policy in PPG13
TRA6	Traffic management – requirement for new development to take account of road safety	Occasional	No	Covered by national policy in PPG13
TRA7	Car parking standards – sets out criteria to ensure appropriate provision of car parking in new developments	Rare	No	Unnecessary. Actual parking standards are contained in interim planning guidance, design and obligations are covered by national policy in PPS1 and PPG13.
TRA9	Road hierarchy – sets out the purpose of each type of road	Rare	No	Unnecessary for a local plan, more a matter for the local transport plan.
Employment				
EMP1	Provision of employment land - sets out target for employment land from Structure Plan	Rare	No	Policy has been deleted through High Court challenge.
EMP2	Provision of employment land – sets out the allocations to meet the Structure Plan target	Rare	No	Policy has been deleted through High Court challenge.
EMP4	Expansion within established employment areas – allows expansion of existing businesses	Occasional	No	Unnecessary. Policy EMP3 covers expansion of existing businesses.
EMP5	Change of use of employment areas – protects employment areas from changes to non-employment uses and includes criteria for assessing proposals	Occasional	No	Unnecessary. The mixture of uses allowed in established employment areas is set out in Policy EMP3.
EMP6	Controlling the risk of pollution – sets out criteria for consideration of industrial development	Occasional	No	Covered by national policy in PPS23.
EMP8	Telecommunication masts - sets out criteria for consideration of applications	Occasional	No	Covered by national policy in PPG8.

Housing				
HSG1	Provision of housing – sets out targets for housing land from the Structure Plan	Occasional	No	No longer working to these figures, Structure Plan Policy H1 has not been saved.
HSG3	Housing site criteria – sets out criteria to be used to allocate sites and deal with windfalls	Rare	No	Policy is time expired. Sites have been allocated and most have been developed. Windfalls can be judged against Policy HSG5.
HSG6	Phasing of housing proposal sites – sets out the prioritisation and phased release of land for housing	Rare	No	Policy is time expired.
HSG7	Amending the order of release – sets out the circumstances which would allow a change to the previously approved order of release	Rare	No	Policy is time expired.
HSG8	Recycling target – sets out Structure Plan target for developing previously developed land in order to make effective use of land	Rare	No	Structure Plan Policy H2 has not been saved. Superseded by national target set out in PPS3 and emerging RSS Phase 2 Review (up to 2016).
HSG9	Dwelling type and size – encourages a mix of housing to meet local need.	Occasional	No	Superseded by national guidance in PPS3.
HSG10	Dwelling density – encourages housing densities that make efficient use of land	Rare	No	Indicative national minimum target set out in PPS3. Core strategy will set locally distinct targets if considered necessary.
HSG12	Affordable housing – sets out the affordable housing target	Often	Yes	Threshold of 25 dwellings is out of date as it has been superseded by national threshold in PPS3. The definition of 'affordable housing' is not in conformity with PPS3.
HSG13	Specialist housing – encourages the provision of specialist housing	Rare	No	Policy does not set targets and is therefore contrary to PPS3.
HSG15	Houses in multiple occupation – sets out criteria for assessing applications	Occasional	No	Unnecessary as covered by provisions of policy HSG5.

Town Centre and Retailing				
TCR3	New retail and other town centre related development – sets out sequential test for assessing applications	Occasional	No	Covered by national policy in PPS1, PPS6 and PPG13.
TCR10	Cultural and leisure uses – gives priority to the town centre as the preferred location	Occasional	No	Covered by national policy in PPS6, PPS9 and PPG15.
TCR11	Hotels – sets out criteria for assessing applications	Occasional	No	Covered by national policy in PPS6 and PPG13.
TCR14	Tame Valley – allows the change of use of retail units back to employment	Rare	No	Unnecessary. It is part of an established employment area and as such is covered by policy EMP3.
Implementation and Monitoring				
IMP1	Implementation – ensures that policies and proposals are implemented	Rare	No	Unnecessary and statement of intent.
IMP2	Monitoring and review – explains the need to monitor the plan to ensure it remains up to date	Rare	No	Unnecessary, plan-monitor-manage is a fundamental part to the development plan system. Council produces an annual monitoring report to assess success of policies to meet plan's objectives.