



Leicester
City Council

WARDS AFFECTED

All

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

Cabinet
Council

9th March 2009
26th March 2009

City of Leicester Local Plan: Saved Policies

Report of the Service Director, Planning and Policy, Regeneration & Culture

1. PURPOSE OF REPORT

- 1.1 To inform Council of the Secretary of State's Direction on the local plan policies that are saved beyond January 2009 and to seek Council endorsement of the changes to the adopted Local Plan.

2. SUMMARY

- 2.1 The City of Leicester Local Plan was adopted in January 2006. Under the provisions of the Planning and Compulsory Purchase Act 2004, the local plan policies were saved for 3 years from adoption until January 2009. Policies that the Council wished to save beyond that date were subject to agreement of the Secretary of State.
- 2.2 Each policy was assessed against the criteria for saving policies set out in a Government protocol. The Council did not need to save policies that repeated recent national or regional planning policy, were covered by the provisions of other legislation or were covered by other policies in the local plan. The list of policies that the Council proposed to be saved was submitted to with the Government Office for the East Midlands (GOEM) in June 2007.
- 2.3 GOEM proposed that two additional policies be saved. Then there was a third party challenge on Policy CL01. The decision on which policies should be saved rested with the Secretary of State who issued a Direction on 7th January. A list of the policies included in the Direction is attached at Appendix1.
- 2.4 As a result of the Direction, which is binding on the Council, the Local Plan has been amended by removal of the policies that have not been saved.

3. RECOMMENDATIONS

- 3.1 Members of Cabinet are asked to note the Secretary of State's Direction and recommend that Council adopt the changes to the Local Plan.
- 3.2 Council is recommended to adopt the changes to the Local Plan as a result of the

4. REPORT

4.1 The Planning and Compulsory Purchase Act 2004 introduced the new planning system of Local Development Frameworks (LDF) to replace Local Plans. As part of the transitional arrangements, policies in Local Plans adopted after the Act came into force could be saved for three years from adoption. The City of Leicester Local Plan was adopted in January 2006 and all the policies that are not saved expired on 15th January 2009.

4.2 Planning Policy Statement 12 sets out the criteria for evaluating whether a policy should be saved and these are supplemented in a government protocol. Accordingly each policy in the Local Plan was assessed against the following criteria:

- Is there a clear central strategy?
- Does the policy have regard to the Community Strategy?
- Is it in conformity with the Regional Spatial Strategy?
- Will it be in conformity with the emerging LDF Core Strategy?
- Will it guide significant change in the use or development of land or the conservation of an area?
- Is it necessary or does it repeat national or regional policy?

The following factors were considered also;

- Whether it supports the delivery of housing.
- Whether it supports economic development and regeneration including retailing and town centres.
- Whether it promotes renewable energy; reduces impact on climate change; or safeguards water resources.

4.3 A draft list of policies to be saved was circulated to all Members for comments and was considered by the Planning and Development Control Committee on 17th June 2008. Out of a total of 148 policies, 81 policies were identified as meeting the criteria to be saved. It was proposed that 67 policies that are now duplicated by national and/or regional planning policy or covered by other policies, or legislation, should not be saved. National or regional planning policy can be used to determine planning applications alongside the remaining Local Plan policies and other material considerations.

4.4 GOEM suggested that an extra two policies should be saved; R03: Local and District Shopping Centres and R07: New Local Shopping Centres. However there was a third party challenge to the saving of Policy CL01: Protecting Community Facilities. The challenge was based on the fact that the Inspector who conducted the Local Plan Inquiry recommended that the policy be deleted, but the Council when adopting the Local Plan did not accept this recommendation. In response to the challenge the Council submitted a statement setting out reasons why the policy should be saved. The Secretary of State considered both the challenge and the Council's submission. However as the Secretary of State had endorsed the Inspector's original recommendation the challenge was accepted and the policy was not saved.

4.5 The Secretary of State's Direction was issued on 7th January and is binding on the Council. It includes a list of all the local plan policies saved after 15th January. The list is

attached at Appendix 1 and the letter can be viewed at www.leicester.gov.uk/localplan. These policies will be saved until replaced by the LDF Core Strategy or any subsequent Development Plan Documents.

- 4.6 Hard copies of the Local Plan will not be replaced but in future will include an explanatory notice and a list of the saved policies. The web based Local Plan Proposals Map and Written Statement have been amended to exclude policies which are no longer valid.

5. FINANCIAL, LEGAL AND OTHER IMPLICATIONS

Financial Implications

- 5.1 There are no significant financial implications arising from this report.

Martin Judson; Head of Finance R&C; Ext 297390

Legal Implications

- 5.2 The process for saving Local Plan policies complies with the statutory provisions contained in the Planning and Compulsory Purchase Act 2004. The report also refers to the process to be followed in accordance with the 2006 Department for Communities and Local Government's protocol for handling proposals to save Local Plan policies before the statutory save period. The approach the report describes also complies with Planning Policy Statement 12.
- 5.3 In accordance with the Local Authorities (Functions and Responsibilities) Regulations, decisions taken by the Council that involve the Development Plan do need to be considered and approved by Full Council.

Anthony Cross, Head of Litigation; Ext 296362

6. OTHER IMPLICATIONS

OTHER IMPLICATIONS	YES/NO	Paragraph references within the report
Equal Opportunities	No	
Policy	Yes	The whole report deals with amendments to Local Plan policy
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	

7. BACKGROUND PAPERS – LOCAL GOVERNMENT ACT 1972

City of Leicester Local Plan, January 2006

8. REPORT AUTHOR

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Key Decision	No
Reason	N/A
Appeared in Forward Plan	N/A
Executive or Council Decision	Executive (Cabinet)

LOCAL PLAN POLICIES THAT ARE SAVED

Chapter 2: Plan Strategy	
PS01	The Plan Strategy
PS02	Regeneration and Comprehensive Development
PS03	Integrated Planning & Transport Strategy
PS04	Strong City Centre Core
PS05	Central Office Core (New Business Quarter)
PS06	St George's Residential Working Community
PS07	Waterside
PS08	Science and Technology Based Business Park and Environs – Abbey Meadows
PS09	Potential Development Areas (PDAs)
PS09a	Proposed PDA Uses Within the Strategic Development Area
PS09b	Proposed PDA Uses Outside the Strategic Development Area
PS10	Residential Amenity & New Development
PS11	Protection from Pollution
Chapter 3: Urban Design	
UD01	High Quality Building Design in the Local Context
UD02	Building Layout, Form and Positioning
UD04	Energy Efficiency
UD06	Landscape Design
Chapter 4: Special Policy Areas	
SPA01	Retailing Within the Central Shopping Core
SPA02	City Centre Retailing Outside the City Centre Core
SPA03	Offices for Financial and Professional Services
SPA04	Food and Drink Uses (Classes A3, A4 and A5) in the Central Shopping Core
SPA05	Development of Non-Retail Key City Centre Uses and Facilities
SPA08	Development in the Town Centres
SPA09	Riverside Development
Chapter 5: Access and Movement	
AM01	The Impact of Development on Pedestrians and People with Limited Mobility
AM02	Cycling and Development
AM03	Pedestrian and Cycle Route Networks
AM05	Busses and Development
AM08	Identifying and Safeguarding Rail Services and Infrastructure
AM11	Parking Provision with Non-Residential Development
AM12	Residential Car Parking Provision
AM14	New Public and Contract Car Parking Provision

AM18	Safeguarding Rail Freight Connections
Chapter 6: Housing	
H01	New Housing Development Proposals
H03	Density
H05	Loss of Housing
H06	Housing Mix and Type
H07	Flat Conversions and New Build Flats
H08	Student Housing
H09	Affordable Housing
H10	Retention of Larger Residential Properties
H11	Gypsies and Travellers
H14	Backland Development
H16	Hotels, Hostels and Residential Institutions in Restricted Zones
H17	Hotels, Hostels and Residential Institutions Outside Restricted Zones
Chapter 7: Employment	
E02	Key Employment Areas
E03	Primarily Employment Areas
E04	Business Parks
E05	Major Office Development
E06	Primarily Office Areas
E11	Car Showrooms/Vehicle Sales/Caravan Sales
E15	Abbey Meadows Research Business Park
E16	Sunningdale Road Waste Facility Site
Chapter 8: Retailing	
R02	Planning Conditions: Main Food Shopping
R03	Local and District Shopping Centres
R05	Development for Food & Drink Purposes
R06	Local Shopping Development Outside The Shopping Centres
R07	New Local Shopping Centres
Chapter 9: Built Environment	
BE08	Buildings of Local Interest
BE10	Shopfront Design
BE11	Shopfront Security
BE16	Renewable Energy
BE17	Combined Heat and Power and Community Heating
BE20	Flood Risk
BE22	Outside Lighting
Chapter 10: Green Environment	
GE01	Sites of Special Scientific Interest
GE02	Sites of Importance for Nature Conservation, Local Nature Reserves and Regionally Important Geological Sites

GE03	Biodiversity Enhancement Sites
GE05	Wildlife Habitats
GE06	Protection of Green Wedges
GE09	Green Space
GE12	Provision of Children's Play Areas
GE13	Provision of Youth and Adult Outdoor Playing Space
GE15	Playing Fields
GE16	Blackbird Roads Playing Fields Policy Area
GE17	Powergen Land at Raw Dykes Road and Aylestone Road Sports Ground
GE18	Aylestone Policy Area
GE19	Allotments
GE20	St. Mary's Policy Area
Chapter 11: Community and Leisure Facilities	
CL06	De Montfort University
CL07	University of Leicester
CL10	Location of Health Centres, Clinics and Surgeries
Chapter 12: Implementation	
IMP01	Planning Obligations