

**Coventry
Local Plan
Examination**

www.coventry.gov.uk/localplan

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Coventry City Council

Local Plan 2016 - Examination Statement

**Hearing Session 9: The Historic and
Natural Environment**



Part 1: The Historic Environment

a) How will the Plan's approach secure development of the allocated sites which responds to the historic context and, where relevant, conserves or enhances heritage assets including their setting where this contributes to the asset's significance?

Where an allocated site in Policy H2 impacts upon a heritage asset the policy identifies the asset and outlines what will be expected from development proposals for the site to ensure that the asset is conserved or enhanced. Where necessary the Council will seek to enter into legal agreements to ensure that the retention and conservation of assets, for example historic buildings like the Locally-Listed Whitley Pumping Station, takes place in accordance with the plan. In this respect we have a proven track record at the on-going Old Hall, Tamworth Road development where listed buildings are in the process of being successfully refurbished and integrated into the wider development. This has been secured through the section 106 process as part of the overall development concept.

Furthermore, the Council's Statement of Common Ground with Historic England outlines how allocated sites will be developed to ensure that heritage assets are conserved in-line with their significance. It also highlights how heritage implications have been considered throughout the Plan making process. It is agreed through this SOCG with Historic England that their objections have now been overcome.

b) Does Policy HE2 'Conservation and Heritage Assets' provide an adequate framework for the protection of heritage assets?

Policy HE2 is in accordance with the NPPF guidance and seeks to provide a secure framework to protect Coventry's historic environment. In addition to nationally designated assets such as listed buildings and scheduled monuments the Policy seeks to positively identify heritage assets that are locally significant and distinctive to the City. Elements of the historic environment which are locally distinctive are listed in Section 7 of Policy HE2 and include remains associated with historic industries such as watchmaking to post-war public art. Places, spaces, structures and features which are positively identified as heritage assets will be added to the Local List of buildings of historic or architectural interest or added to the City's Historic Environment Record (HER) which will continue to be maintained and managed. This commitment is identified within the supporting text to Policy HE2 on page 114 of the submitted Plan. Indeed we consider the maintenance of the statutory and local list of buildings alongside the at risk registers and the HER to be a fundamental basis for ensuring the continued effectiveness of policy HE2. In this regard we point to our committed officer

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resource to manage and maintain the register and highlight the joint work we are undertaking at the regional and national level with other authorities to enhance and maximise the benefit of our HER and wider heritage recording.

c) Is Policy HE2 'Conservation and Heritage Assets' consistent with the requirements of other legislation and national planning policy? In particular, should the word 'preserve' be changed to 'conserve' in line with the representation from Heritage England?

We believe that the HE2 Policy is consistent with the NPPF and other heritage legislation although we accept that 'preserve' should read as 'conserve'.

d) Is Policy GE3 'Biodiversity, Geological, Landscape and Archaeological Conservation' consistent with legislative requirements and with the requirements of Policy HE2 'Conservation of Heritage Assets' in respect of the management of archaeological remains?

We believe Policy GE3 is consistent with Policy HE2 as both policies require that if archaeological remains are identified and threatened by development, that they are assessed as to their relative significance and either conserved in situ or recorded in a proportionate way prior to their loss. The Council has a strong track record in assessing the City's archaeological remains ahead of development which have led to a range of solutions being adopted. These include excavating and preserving by record such as the Severn Trent HQ on St Johns Street, preserving in situ below developments like the medieval undercroft below Coventry University's new Whitefriars Lane building or preserving in situ and displaying the remains like the Priory ruins in Priory Place.

For the avoidance of doubt though and to aid clarity we would suggest the following small adjustment to part 3 of GE3.

woodlands, ancient hedgerows and, heritage assets ~~istoric environmental assets and archaeological remains~~ of value to the locality, will be protected against loss or damage. In and, in the case of archaeological remains, all practical measures must be taken for their assessment in accordance with Policy HE2.

e) Are Policies HE1 'Conservation Areas', HE2 'Conservation and Heritage Assets' and HE3 'Heritage Park – Charterhouse' effectively drafted to achieve their intended purpose and do they provide a clear indication of how a decision-maker should react to a development proposal?

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We believe that Policies HE1, HE2 have been effectively drafted to achieve their purpose. We do however accept that Policy HE3 would benefit from slight amendment to add additional clarity, reflect consultation feedback and improve the effectiveness and soundness of the policy. The proposed changes would provide greater flexibility in relation to the movement of the sports courts and playground at the school to ensure that the school is not overly constrained and is able to expand in a way that supports the educational needs of the city whilst also respecting the historic landscape and intended creation of the Heritage Park. The proposed changes would also clarify within the policy the importance of an agreed comprehensive Master plan to support the delivery of the Heritage Park and the expansion/reconfiguration of the school grounds. Appendix 1 of this statement clarifies the proposed amendments to Policy HE3 and its supporting text.

Part 2: The Natural Environment

a) Should the Plan objectives include specific reference to the conservation and enhancement of the natural environment?

It is the Council's view that objective 5, as currently drafted, contains sufficient reference so as to adapt to changing circumstances over time. Point 3 of the objective states "Protect and enhance the city's most sensitive and highest quality green spaces". In our view this provides suitable reference so as to be applicable across a range of land uses and types, be it formalised urban green spaces or naturalised wildlife sites. Whilst it is acknowledged that there is no specific reference to conservation and enhancement of the natural environment in the objective, the associated supporting policies, specifically GE1, GE3 and GE4 make reference to the natural environment and are policies based around the preservation and enhancement of the natural environment.

b) Should Policy DS3 'Sustainable Development Policy' refer explicitly to the natural environment or biodiversity?

As currently drafted the Council considers the policy to provide sufficient direction and guidance in a local context. As such, it provides a local interpretation of the NPPF in terms of promoting sustainable development in general terms. Point A of the policy makes reference to green and blue spaces, which include elements of the natural environment. Therefore, at this stage The Council does not propose a change to the policy.

c) Is the approach of Policy GE3 'Biodiversity, Geological, Landscape and Archaeological Conservation' towards the protection of the natural environment, including ancient woodland, consistent with national planning policy¹? In particular, the policy allows for mitigation or compensatory measures where it is not possible for development proposals to satisfy the criteria set out in criterion 1 of the policy.

It is the Council's view that the policy, as currently drafted, is consistent with Para 118 of the NPPF. The policy sets out the criteria that an application which may impact on Biodiversity, Geology, Landscape and Archaeological Conservation is expected to satisfy. It also sets out the mitigation measures expected, which include onsite mitigation. If this is not possible, then they should be offset elsewhere as a compensatory measure where at all possible on site. Coventry, together with its Warwickshire neighbours has been a pilot authority for Biodiversity Offsetting. The pilot took place between 2012 and 2014. All partners agreed to continue offsetting beyond the pilot end date. If

¹ National Planning Policy Framework paragraph 118

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offsetting is used development proposals should be guided by the Council's approach to biodiversity offsetting as set out in the Green Infrastructure Strategy (LP74), or any subsequent update to this document and national policy. In all instances, the long term management and maintenance of ecological features must be demonstrated. The additional wording under points 1 and 3 as set out in LP4 further strengthen the policy by clarifying the protection afforded to ancient woodlands and protected species.

The overarching aim of the policy is to ensure that at the very least we see no net loss of biodiversity and if at all possible a net gain.

d) Does the policy strike the right balance between compensation/mitigation and allowing development to proceed?

Yes, as currently drafted, the policy seeks to provide a balanced, realistic and appropriate approach based on the current aims and objectives of the Local Plan and the Cities aspirations. The policy is robust in its approach by requiring a net gain of biodiversity where appropriate and the protection of the highest value and most sensitive assets for their long term management and maintenance. The policy also allows for the consideration of biodiversity offsetting and compensatory measures should onsite measures not be suitable. The policy encourages the creation of habitats as part of new development in areas where biodiversity is deficient and along wildlife corridors to enhance connectivity which is crucial to allow movement of species between areas. Such an approach will also deliver the greatest benefits in the most efficient way.

e) Should the supporting text to Policy GE4 'Tree Protection' specifically state that the compensatory provision referred to should include the provision of replacement trees rather than a well-designed landscape scheme as currently drafted?

As currently drafted, the Council considers that the policy and supporting text are sufficiently robust and flexible to apply to a range of development proposals including schemes where landscaping is the overriding feature. There is some merit in including replacement trees in the policy wording, however, it is likely that a well-designed landscape schemes would include some tree planting. If trees are lost as part of a development, the policy aims to re-provide within the locality or if this cannot be achieved, provide elsewhere as part of an alternative scheme. Additional wording to aid clarity on this point could, if necessary, be added to the supporting text.

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f) Is Policy GE4 'Tree Protection' justified in the extent to which it relies on a yet to be produced Supplementary Planning Document to define its requirements?

As currently drafted the Council considers that the policy is robust enough to stand alone without the aid of an SPD, but that an SPD would provide additional detail over and above the Local Plan policy to provide added clarification. A prime example includes details around replacement calculations and replacements using a scheme such as CAVAT. This is considered excessively detailed for the Local Plan. An SPD will provide an appropriate platform from which to provide such detail.

g) Are these policies effectively drafted to achieve their intended purpose and do they provide a clear indication of how a decision-maker should react to a development proposal?

As currently drafted the policies are sufficiently robust so as to ensure that economic growth and regeneration can continue whilst not affecting the overall natural environment in Coventry. It is acknowledged that development does, on occasion impact on the natural environment, however, by protecting the most sensitive, vulnerable and valuable sites, features and species, the policies provide decision makers with a clear steer on how a proposal should be assessed. Proposals that impact on assets will be required to provide appropriate on site mitigation, then as close to the development as possible and if these are not possible then offsetting will be considered. The criterion in GE3 and GE4 clearly set out the measures and processes required in the case of a proposal coming forward which may impact on the natural environment.

h) Should an additional policy be included in the Plan to address any potential risk to groundwater through the redevelopment of previously developed land as put forward by the Environment Agency?

Yes, subject to LLFA approval of the wording of the policy. Proposed new policy EM9, as set out in the SOCG makes provision for the protection of groundwater through redevelopment of PDL sites. There is clear environmental benefit to be had in protecting groundwater and this policy is unlikely to be detrimental to development opportunities. As referenced in the SOCG, this also improves the Plans soundness and ensures it reflects the most recently published information in support of the Severn River Basin Management Plan.

i) Should an additional policy be included in the Plan to specifically protect water resources as put forward by the Environment Agency?

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Through our meetings with the LLFA and EA it has been agreed that the issue of water resource protection is set out in Policy EM4, as proposed to be amended by LP4 and the SOCG and proposed new Policy EM9. The Council and LLFA would wish to retain some concern subject to the Council receiving assurances that the EA have expertise in these areas as a top tier organisation. It is acknowledged by both the Council and the EA that adjustments to Policy EM4 and the inclusion of EM9 would negate the need for any further additional policy in this regard whilst improving the overall soundness of the Plan.

Part 3: Renewable Energy Generation

- a) **Should Policy EM3 'Renewable Energy Generation' be amended to clarify that it would not apply to wind energy development which would be considered against national planning policy and guidance in line with the Written Ministerial Statement dated June 2015?**

As currently drafted, Policy EM3 does not directly refer to wind energy development but the second paragraph of the explanatory text does indicate that wind energy has been considered in the Coventry context. This 2010 wind mapping study found that 90% of the Coventry area was unsuitable for wind turbines and so based on this local evidence, it was considered not necessary to include wind energy development in the Policy wording.

The Council, therefore, would fully expect any proposals for wind energy development in Coventry to be considered against national planning policy and guidance including as appropriate the Written Ministerial Statement dated June 2015. However, the Council would equally suggest that any prospective proposals and/or applications for wind energy development would be limited given the reference in the explanatory text. Therefore, in conclusion, the Council would see the benefit of amending the explanatory text, but not the Policy, to clarify that the Policy would not apply to wind energy development and if proposals were to come forward, would be considered against national planning policy.

- b) **Should Policy EM3 'Renewable Energy Generation' include a requirement for it to be demonstrated that development will not increase flood risk or have a detrimental impact on the watercourse?**

It is considered that the Policy provisions in both EM4 and parts of EM5 as set out in the SOCG with the EA make sufficient provision for addressing the potential impacts of new development on flood risk and watercourses.

However, the Council appreciates that some forms of renewable energy development could have a potential impact on watercourses and/or flood risk. The Council would therefore suggest that criterion (d) of Policy EM3 sufficiently addresses the need for such development to consider and be consistent with other relevant Policies.

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Part 4: Flood Risk Management

a) Do the Council's proposed Minor Modifications to Policy EM4 'Flood Risk Management' overcome the Environment Agency's objections to the policy?

Yes. The proposed changes to policy EM4 are acknowledged and understood by the Council. However, in terms of their appropriate nature within a Local Plan the Council retains some concerns that some of the changes proposed are excessive in detail. This is acknowledged and understood by the Environment Agency; however their inclusion is still requested. Both parties are happy to discuss this further.

b) Do the Council's proposed Minor Modifications to Policy EM5 'Sustainable Drainage Systems (SuDS)' overcome the Environment Agency's objections to the policy?

Yes. Proposed changes to Policy EM5 as set out in the SOCG confirm that the Council accepts that the proposed changes are appropriate.

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Part 5: Monitoring Framework

- a) **Is the Plan sufficiently flexible enough to respond to changing circumstances and does it include clear and appropriate mechanisms for the implementation and monitoring of the Plan's objectives?**

We consider the policies within the natural and historic environment to be sufficiently flexible and appropriate to support, guide and facilitate sustainable development throughout the plan period (especially having regard to the relevant changes prepared in LP4 and the SOCG with the EA). We consider the policies will support the achievement of the plans key objectives, especially in terms of maximising the city's heritage assets and protecting the most sensitive and highest value green spaces. The council acknowledges that some existing green spaces will be built on, which is an inevitable outcome of the city's development needs but we feel the plan manages and respects this in a planned and coordinated manner. The delivery of such development and loss of green spaces will be closely monitored and assessed over the course of the plan period. Over the course of a rolling three year period off-setting will be monitored to understand the impact of development on sensitive sites where off-setting is required. A target of no net loss to biodiversity in all applications will be expected. Should monitoring indicate a negative overall impact and off-setting is not delivering the necessary outcomes this will provide evidence to consider a review or partial review of the policy should it be deemed necessary.