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Your Ref: 08-0613
Our Ref: DC/THM/8020/305

Date: 23 March 2009

Dear Mr Content

TOWN AND COUNTRY PLANNING (DEVELOPMENT PLANS AND CONSULTATION) (DEPARTURES) DIRECTIONS 1999
OUTLINE PLANNING APPLICATION FOR THE REDEVELOPMENT OF HAYLE HARBOUR AND LAND TO THE NORTH AND NORTH EAST TO PROVIDE MIX USE DEVELOPMENT INCLUDING 1039 DWELLINGS, RETAIL, BUSINESS, GENERAL INDUSTRIAL, HOTEL, LEISURE, MARINA AND FISHING HARBOUR – APPLICATION NUMBER 08/0613.

I refer to your letter of 18th February 2009 and the e-mail of the 3rd March 2009 referring to the Secretary of State under Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999 an application for planning permission for the above development.

As you know, the Secretary of State's general approach is not to interfere with the jurisdiction of local planning authorities unless it is necessary to do so. Parliament has entrusted them with responsibility for day-to-day planning control in their areas. Local planning authorities are normally best placed to make decisions relating to their areas and it is right that in general, they should be free to carry out their duties responsibly, with the minimum of interference.

There will be occasions, however, when the Secretary of State may consider it necessary to call in a planning application to determine herself instead of leaving it to the local planning authority. Her policy is to be very selective about calling in planning applications. She will, in general, only take this step if planning issues of more than local importance are involved and if those issues need to be decided by the Secretary of State rather than at a local level. Each case is, however, considered on its own facts.

We have carefully considered all the matters raised about this application. The issue before the Secretary of State for decision is not whether the application should be granted planning permission, but whether or not she should call it in for her own determination. The Secretary of State considers that the main matters relevant to her decision in this case are her policies set out below:

PPS1 Delivering Sustainable Development

- which contribute to the delivery of sustainable development through the achievement of social cohesion and inclusion, the protection and enhancement of the environment, the prudent use of natural resources, and sustainable economic development;

- which seek to address the causes and potential impacts of climate change by reducing energy use and emissions, promoting the development of renewable energy resources, and taking climate change impacts into account in the location and design of development;

- which promote high quality, inclusive design in terms of function and impact, which takes the opportunities available for improving the character and quality of an area;

- which create safe and accessible environments where crime, or fear of crime, does not undermine quality of life, and which meet the diverse needs of all in the community.

PPS 3 Planning / Housing

- high quality housing that is well designed and built to a high standard;

- a mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas, both urban and rural;

- a sufficient quantity of housing taking into account need and demand and seeking to improve choice;

- housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure;

- a flexible, responsive supply of land – managed in a way that makes efficient and effective of use land, including re-use of previously developed land, where appropriate.

PPG4 Industrial/Commercial

- encourage new investment and enterprise;

- balance the location requirements of business with wider environmental and social objectives;

- maximise the use of previously-developed land in sustainable locations for all forms of built development; and

- encourage development in locations which are accessible by a range of modes of transport and which minimise the length and number of trips, especially by motor vehicle.

PPS6 Planning for Town Centres

- planning for the growth and development of existing centres; and

- focusing development in such centres and encouraging a wide range of services in a good environment, accessible to all.

And in the context of the key objective above:

- enhancing consumer choice by making provision for a range of shopping, leisure and local services, which allow genuine choice to meet the needs of the entire community, and particularly socially-excluded groups;

- supporting efficient, competitive and innovative retail, leisure, tourism and other sectors, with improving productivity; and

- improving accessibility, ensuring that existing or new development is, or will be, accessible and well-served by a choice of means of transport.

And insofar as they would not be inconsistent with the key objectives above:

- to promote social inclusion, ensuring that communities have access to a range of main town centre uses, and that deficiencies in provision in areas with poor access to facilities are remedied;

- to encourage investment to regenerate deprived areas, creating additional employment opportunities and an improved physical environment;

- to promote economic growth of regional, sub-regional and local economies;

- to deliver more sustainable patterns of development, ensuring that locations are fully exploited through high-density, mixed-use development

- promote high quality and inclusive design, improve the quality of the public realm and open spaces, and protect and enhance the architectural and historic heritage of centres.

PPS 7 - Sustainable Development in Rural Areas

- Promote thriving, inclusive and sustainable rural communities, focusing most new development in or near to local service centres where employment, housing and services can be brought close together in locations accessible through a range of transport modes, whilst allowing some limited development to meet local needs in other rural settlements.

- Support strong, diverse economic activity in rural areas; enable the agricultural industry to diversify and to remain competitive, adaptable and environmentally friendly; support tourism and leisure enterprises that bring economic, community and social benefits and that utilise and enrich, but do not harm, the countryside.

- Ensure the quality and character of the countryside is protected and, where possible, enhanced; in particular, by strictly controlling new building development away from existing settlements or areas allocated for development, and by giving priority to the re-use of previously-developed sites and existing buildings, subject to sustainability considerations.

- Ensure that development proposals are in line with sustainable development principles and, consistent with these principles and taking account of the nature and scale of the development, that development is located in sustainable (accessible) locations.

- Achieve good quality development which is well designed, in keeping and scale with its location and sensitive to the character of the countryside and local distinctiveness.

PPS9 - Biodiversity and Geological Conservation

- our national and international responsibilities and obligations for nature conservation are fully met

- sites designated for their nature conservation value under nature conservation legislation are, as far as is possible and consistent with the objectives of the designation, protected from damage and destruction

- adequate provision is made for development and economic growth whilst ensuring effective conservation and enhancement of the diversity of England's wildlife and geology

- Biodiversity and geological conservation objectives are taken into account in all planning applications

- planning permission is not refused if development can be subject to conditions that will prevent damaging impacts on wildlife habitats or other important physical features or if other material factors are sufficient to override nature conservation considerations.

PPG13 – Transport

- promote more sustainable transport choices for both people and for moving freight

- promote accessibility to development comprising jobs, shopping, leisure facilities and services so that there is a realistic choice of access by public transport, walking and cycling, recognising this may be less achievable in some rural areas

- reduce the need to travel, especially by car

- actively manage the pattern of urban growth to make the fullest use of public transport; focus major generators of travel demand in city, town and district centres and near to major public transport interchanges; and locate day to day facilities in local centres, to be accessible by walking or cycling

- accommodate housing principally within existing urban areas, planning for increased intensity of development for both housing and other uses at locations which are highly accessible by public transport, walking and cycling

- in rural areas, locate most development for housing, jobs, shopping, leisure and services in designated local service centres, and encourage better transport provision in the countryside

- use parking policies, alongside other planning and transport measures, to promote sustainable transport choices and reduce reliance on the car for work and other journeys

- give priority to people over ease of traffic movement and plan to provide more road space to pedestrians, cyclists and public transport in town centres, local neighbourhoods and other areas with a mixture of land uses

- take account of the needs of disabled people (as pedestrians, public transport users and motorists)

- secure community safety and road safety by the design and layout of developments and areas

- protect sites and routes which could be critical in developing infrastructure to widen transport choices for both passenger and freight movements

PPG 15 - Planning and the Historic Environment

- for the protection of buildings listed for their special architectural or historic interest, and their settings.

- for the preservation or enhancement of the character or appearance of conservation areas designated for their special architectural or historic interest.

- for the protection of the wider historic environment, including scheduled ancient monuments, World Heritage Sites, historic parks and gardens, historic battlefields, buildings of local importance and trees in conservation areas.

- for the protection of ecclesiastical buildings.

PPG16 - Archaeology and Planning

- for the protection, enhancement and preservation* of sites of archaeological interest and of their settings.

PPG17 - Sport, Open Space & Recreation

- meet the sport, open space and recreation requirements of the whole community by protecting existing facilities and securing appropriate new provision;

- create more sustainable patterns of development by locating open space and recreation facilities where they are accessible by a choice of modes of transport and especially by foot, bicycle or public transport wherever possible;

- provide good quality and well designed open space and built recreational facilities as an integral part of new communities, in order to make them attractive places to live;

- use previously developed sites wherever possible and help regenerate their host areas;

- seek to ensure that open spaces and recreational areas are located, designed and maintained so as to minimise the risk of crime and vandalism; and

- seek to meet the needs of those living in and visiting rural areas, whilst protecting the countryside and its characteristics.

PPG20 - Coastal Planning

- protect and enhance the natural character and landscape of the undeveloped coastline and to limit development that would be visually intrusive;

- protect and conserve natural habitats of national and international importance;

- protect remaining areas of nature conservation value within the developed coast

- protect the rich heritage of the coastal zone, both above and below low water mark;

- limit the adverse impacts of development on other interests such as fisheries and shell fisheries;

- minimise development in areas at risk of coastal flooding , erosion and land instability;

- restore stretches of the despoiled coastline;

- restrict development in the coastal zone that does not require a coastal location;

- guide development that does require a coastal location (tourism, recreation, ports, marinas and industries importing bulky raw materials, mineral extraction, energy generation and waste water and sewage treatment and disposal) to the developed coast;

- restrict development that would foreclose future flood management options;

- regenerate run-down coastal towns and ports.

PPS22 - Renewable Energy

- support Government's commitment to generate 10% of UK electricity from renewable sources by 2010,

- Promote and encourage renewable energy developments in regional and local plans.

- Ensure development control decisions are taken efficiently and are consistent with national and international climate change policy commitments and obligations.

- Meet national and international obligations to protect designated areas, species and habitats of natural heritage interests and the historic environment from inappropriate forms of development.

PPS23 - Planning and Pollution Control

- encourage the redevelopment and beneficial use of contaminated land and to ensure that any unacceptable risks to human health, buildings and the environment are identified and properly dealt with as new development and land uses proceed.

- make more efficient use of land

PPG25 - Development and Flood Risk

- avoid inappropriate development in flood risk areas;

- avoid development that increases flood risk to adjacent and down-stream areas;

- apply a sequential approach to determining the suitability of land for development in flood risk areas at all levels of the planning process, giving priority to lower-risk areas for the location of development in accordance with Table 1 and paragraphs 30 and 31 of PPG25;

- ensure that development within areas vulnerable to flooding be protected to an appropriate minimum standard taking account of the likely effects of climate change;

- ensure that all planning applications in flood risk areas be accompanied by a flood risk assessment;

- encourage the use of sustainable drainage systems;

- secure developer- funding for the provision and future maintenance of flood defences and other mitigation measures required because of a development.

- make more efficient use of land

Having considered carefully these and other relevant planning issues raised by this proposal, The Secretary of State is satisfied that the issues raised do not relate to matters of more than local importance, which would be more appropriately decided by her rather than the local planning authority. She has therefore concluded that the application should be decided by the Council.

A copy of the permission that may be granted by the Council for the development should be sent to the Secretary of State at the above address in accordance with paragraph 6 of the Town and Country Planning (Development Plans and Consultation) (Departures) Direction1999.

Yours sincerely

Mr J Oakes
Senior Planning Manager for Plymouth and Cornwall