

---

## CHAPTER 1: INTRODUCTION

---

*Notes: (a) At the time the inquiry into objections to this Local Plan was held Planning Policy Guidance 3: Housing (PPG3) was in force as Government policy. A draft of Planning Policy Statement 3: Housing (PPS3) had been published for consultation purposes. All of the evidence presented to the inquiry was on that basis.*

*Subsequent to closure of the inquiry, the Government published the final version of PPS3 on 29 November 2006. It introduces significant changes, putting in place a new national policy framework for planning for housing at the local and regional levels and cancelling previous policy and guidance including PPG3 and Circular 6/98: Planning and Affordable Housing.*

*The covering letter from DCLG to Heads of Planning Service under which PPS3 was published indicates that: "The Government wants to move as quickly as possible to a development plan policy framework which reflects this PPS. Local planning authorities and regional planning bodies should consider the extent to which emerging local development documents and regional spatial strategies can reasonably have regard to the policies in this statement, depending on their state of preparation. As far as is practicable, changes should be made to emerging spatial plans so that they reflect PPS3 policies, but this should not be done at the expense of putting in place an effective policy framework for housing as quickly as possible." A similar message is contained in Paragraph 6 of PPS3. Bearing in mind that the recommendations in my report are binding on the District Council, it would be impracticable at this late stage of the inquiry process and unfair on inquiry participants to explicitly take account of this new policy framework. To do so would involve seeking further evidence and result in considerable delay to the plan-making programme.*

*My consideration of objections and my recommendations are therefore based on PPG3 and the 'direction of travel' indicated by draft PPS3. The District Council will need to bear this in mind and set out the steps it will be taking to address the issues arising from this PPS through an early plan review. I note that the District Council is committed to begin preparation of a Core Strategy DPD in 2007. That document (and any necessary Allocations DPD) will be the appropriate vehicle for taking these matters forward.*

*(b) Again, at the time of the inquiry Planning Policy Guidance 25: Development and Flood Risk (PPG25) was in force, although a draft Planning Policy Statement 25: Development and Flood Risk (PPS25) had been published for consultation purposes. The evidence presented to the inquiry was on that basis.*

*Following closure of the inquiry, in December 2006 the Government published the final version of PPS25.*

*My consideration of objections and my recommendations are based on PPG25. The District Council will need to bear this in mind and, if necessary, address any issues arising from this PPS through an early plan review.*

\*\*\*\*\*

## 1.1 Overview

- 1.1.1 This first chapter of my report addresses a range of objections that relate to the objectives and context of the Local Plan, the various background reports used to inform its policies and designations, and the plan making process. I make a number of recommendations for modification.

\*\*\*\*\*

## 1.2 Paragraphs 1.1 - 1.45 Introduction

### Objections to First Deposit Version

|        |   |
|--------|---|
| 54/AA  | Conservative Group of Councillors                                     |
| 54/AB  | Conservative Group of Councillors                                     |
| 109/AH | Warwickshire County Council (Planning, Transport & Economic Strategy) |
| 168/AA | Advantage West Midlands   |
| 193/AA | Coten End and Emscote Residents' Association                          |
| 193/AB | Coten End and Emscote Residents' Association                          |
| 193/AC | Coten End and Emscote Residents' Association                          |
| 193/AD | Coten End and Emscote Residents' Association                          |
| 193/AE | Coten End and Emscote Residents' Association                          |
| 193/AF | Coten End and Emscote Residents' Association                          |
| 193/AG | Coten End and Emscote Residents' Association                          |
| 193/AJ | Coten End and Emscote Residents' Association                          |
| 193/AK | Coten End and Emscote Residents' Association                          |
| 193/AM | Coten End and Emscote Residents' Association                          |
| 199/AA | James Mackay  |
| 199/AC | James Mackay  |
| 199/AD | James Mackay  |
| 199/AE | James Mackay  |
| 199/AF | James Mackay  |
| 199/AG | James Mackay  |
| 199/AH | James Mackay  |
| 199/AJ | James Mackay  |
| 199/AK | James Mackay  |
| 199/AL | James Mackay  |
| 199/AM | James Mackay  |
| 223/AA | Kenilworth Town Council   |
| 242/AE | Coventry City Council (Planning & Transportation)                     |
| 262/AE | Warwick & Leamington Spa Green Party                                  |

### Objections to Revised Deposit Version

|        |  |
|--------|--|
| 1/RAC  | Warwickshire Wildlife Trust                          |
| 52/RAA | Barford, Sherbourne & Wasperton Joint Parish Council |
| 52/RAE | Barford, Sherbourne & Wasperton Joint Parish Council |

|         |   |
|---------|---|
| 52/RAF  | Barford, Sherbourne & Wasperton Joint Parish Council          |
| 52/RAJ  | Barford, Sherbourne & Wasperton Joint Parish Council          |
| 66/RAA  | The Warwick Society   |
| 150/RAG | Warwickshire County Council (Museum Field Services - Ecology) |
| 168/RAF | Advantage West Midlands                                       |
| 191/RAA | Robin A Richmond  |
| 195/RAA | The Leamington Society  |
| 349/RAA | Mr. D. G. Goodyear  |
| 350/RAA | Tesco Stores Ltd  |

## **Key Issues**

- 1.2.1**
- (1) Whether rural policies should apply on the edge of built-up areas.
  - (2) Whether more detail should be included in Paragraph 1.45 regarding the content of supplementary planning documents.
  - (3) Whether Paragraph 1.9 should refer to both PPGs and PPSs.
  - (4) Whether the Plan should include a schedule detailing the date of inquiry and likely date of adoption.
  - (5) Whether the introductory chapter should include an identification plan showing the main settlements and infrastructure within the District.
  - (6) Whether the explanatory text should be reworded to: (a) reflect the current position of Regional Planning Guidance, (b) refer to the Regional Economic Strategy, and (c) show how the Plan's policies and proposals relate to the 'four major challenges' identified in Paragraph 3.4 of the RSS and to the MUA of Coventry referred to in Paragraph 3.11 of the RSS.
  - (7) Whether the Plan's policies contribute adequately to the aims and objectives of the Core Strategy, Corporate Strategy and Local Transport Plan.
  - (8) Whether the Plan should indicate that its policies will be adhered to and given greater weight than national policy.
  - (9) Whether the Plan's policies afford sufficient certainty.
  - (10) Whether a more targeted customer focus is required acknowledging the variation in needs of local communities across the District.
  - (11) Whether the Plan should include a statement of sustainability objectives and provide, in the form of SPG, a checklist to form part of every planning application.
  - (12) Whether the Proposals Maps are clear in indicating where policies, designations and allocations apply.
  - (13) Whether the text of the Plan is sufficiently precise, concise, and user friendly.

- (14) Whether ‘managing and directing development pressure to specific areas’ goes far enough.
- (15) Whether use of the word ‘fair’ is appropriate in terms of the overriding objective of the Local Plan.
- (16) Whether the status and weight given by the District Council to the Retail Studies of 2002 and 2004 need to be clarified and conclusions drawn in an appendix on quantitative and qualitative retail need.
- (17) Whether Paragraph 1.35 should be reworded to acknowledge that more work is required to inform retail policy in Kenilworth town centre.
- (18) Whether the District Council’s Sustainability Appraisal should be subject to public consultation.
- (19) Whether the Plan should emphasise the District Council’s commitment to alleviating global climate change.
- (20) Whether the Plan should confirm support for the Local Biodiversity Action Plan, the UK Government’s Biodiversity Strategy for England 2002 and the West Midlands Regional Biodiversity Strategy 2004.
- (21) Whether Paragraphs 1.16 and 1.17 should provide information about the split of population between town and country and comment on the limited ability of towns to accommodate further development.
- (22) Whether the consultants’ reports to the County Council on the Warwick and Leamington park and ride proposals should be made publicly available and the Plan reconsidered in the light of comments received.
- (23) Whether Plan policies adequately contribute towards making the District ‘safe’ and ‘fair’.

### **Inspector’s Appraisal and Conclusions**

**1.2.2 Issue 1:** The Plan has a separate set of policies that apply to urban areas, town centres and rural areas. This is necessary to reflect the more limited services and infrastructure available within the countryside than in more sustainable urban locations better placed to accommodate growth. While this will inevitably result in rural policies applying to sites close to the urban fringe, I see no practical difficulty in this regard.

**1.2.3 Issue 2:** I agree with the District Council that it is not essential to detail supplementary planning guidance in the introductory chapter. Such guidance is likely to change over the lifetime of the Plan. Current SPG which the planning authority intends to ‘save’ under the old regulations, together with a programme of Supplementary Planning Documents to be prepared under the Planning and Compulsory Purchase Act 2004, is included in the District Council’s Local Development Scheme 2006.<sup>1</sup> The general reference to SPD in Paragraph 1.45 of the Plan is, in my view, the best approach. I note that, where necessary, SPG/SPD is referred to elsewhere in the Plan. The only

---

<sup>1</sup> CD802

modification required to Paragraph 1.45 is to correct a minor typographical error in the first line of the text.

- 1.2.4 Issue 3:** National planning advice is addressed in Paragraph 1.19 of the introductory chapter. This forms part of the context for the Local Plan, being one of the factors that influence its content. The Revised Deposit Plan amends that Paragraph to refer more fully to PPSs as well as PPGs, bringing it up-to-date. I see no need to include an additional reference to Government policy in the earlier Paragraph 1.9 which simply describes the structure of the Plan.
- 1.2.5 Issue 4:** Paragraphs 1.39 and 1.40 have been amended in the Revised Deposit Plan to describe the Plan preparation process and to ensure that the text is as up-to-date as possible. In my opinion, it would not have been appropriate to include a schedule of dates either for the inquiry or adoption of the Plan. This information is subject to change. In any event, the District Council's Local Development Scheme sets out the anticipated timescale for different stages of the process. That Scheme is revised annually.
- 1.2.6 Issue 5:** There is no need for an A4-size identification plan showing the District's main settlements and infrastructure. The District-wide Proposals Map already provides that information. To include such a plan would, in my view, add unnecessarily to the bulk of the Local Plan and conflict with Government guidance that they should be as concise as possible.
- 1.2.7 Issue 6:** RPG11 (June 2004) now has the status of RSS and forms part of the development plan. Paragraph 1.22, as amended by the Revised Deposit Plan, makes this clear while Paragraph 1.23 explains that it replaces the earlier RPG issued in April 1998 against which the Warwickshire Structure Plan was prepared. As the District Council points out, any amendments to the Plan required in relation to policies of the RSS would be addressed in the future through the core strategy DPD and other local development documents.
- 1.2.8** As regards the Regional Economic Strategy, the location of the District in the Coventry, Solihull and Warwickshire High Technology Corridor is of particular relevance to the Plan's Spatial Strategy. In my view, this matter is more appropriately addressed in Paragraphs 3.6B-3.6F than in the introductory chapter of the Plan.
- 1.2.9** Coventry City Council contends that Paragraphs 1.22 and 1.23 should also be modified to reflect the 4 major challenges of the RSS (that is, urban renaissance; rural renaissance; diversifying and modernising the region's economy; and modernising the transport infrastructure of the West Midlands) and to draw attention to the position of the District in relation to the MUA of Coventry. The latter is seen as having implications for the future roles of Leamington town centre and Coventry city centre (dealt with in the Regional Centres Study), for the University of Warwick, for Coventry Airport, and for land in Rowley Road where the City Council as landowner is seeking an allocation for employment development. It is important to ensure that Plan Policies have been drafted to accord with regional and strategic objectives, but I agree with the District Council that these matters are not appropriate for inclusion in the introduction to this Plan. The Local Plan's role in relation to the RSS is more relevant to the Spatial Strategy. I conclude on this issue that the wording of the introduction to the Plan is satisfactory.
- 1.2.10 Issue 7:** Concern has been expressed that the Plan's policies do not do enough to satisfy the aims and objectives of the Core Strategy, Corporate Strategy and Local

Transport Plan. In my opinion, there is no convincing evidence to support this assertion. The policies that have been drafted provide a relevant planning framework that contributes to the aims and objectives of the Core Strategy. The relationship between individual policies and the Core Strategy is set out in the Local Development Framework Annual Monitoring Report.<sup>2</sup> So far as possible, the Plan also reflects and reinforces the aims of the Corporate Strategy. As regards the Local Transport Plan, a series of policies contribute towards its aims and objectives. They include Policies DP6, DP7, DP8 and SSP4. I see no basis for modifying the Plan in response to this issue.

**1.2.11 Issue 8:** It is argued that Local Plan policies are not being followed adequately when considering planning applications; instead, decisions are being dictated by central Government. Local plans must be in general conformity with regional and national planning policy, but there is considerable scope for local circumstances to be taken into account in policy formulation. The plan-led system ensures that the development plan is the primary consideration when assessing planning applications. I note that the District Council has put forward proposed changes to Paragraph 2.8 (User Guide). This confirms that planning applications are determined primarily against policies in the development plan. I support those changes. In my view, they substantially address the objector's concern and I see no need for further modifications.

**1.2.12 Issue 9:** I am satisfied that the concise structure and policies of this Local Plan do provide a logical framework for making decisions on individual planning applications. Allowing for the inherent difficulties in planning ahead, they afford considerable guidance and a reasonable degree of certainty as to the outcome.

**1.2.13 Issue 10:** It is claimed by objectors that Paragraph 1.7 does not adequately reflect the variation in communities across the District and that a more targeted customer focus is required. It seems to me, though, that the high-level statement made in the text that the policies of the Local Plan will provide for the needs of each community whilst protecting and enhancing the quality of the environment is appropriate in the context of achieving sustainable development and contributing to the joint vision for Warwick District. The Plan has been informed by public involvement throughout the plan making process. Where different communities or areas warrant specific policies to address particular needs, these have been introduced.

**1.2.14 Issue 11:** I see no need to include as supplementary planning guidance a sustainability checklist that should form part of every planning application. The aims and objectives of the Core Strategy set out the approach to sustainable development, with the Development policies serving as a checklist once other relevant Plan policies have been satisfied.

**1.2.15 Issue 12:** I am content that the Proposals Maps are sufficiently clear. They show where specific policies, designations and allocations are relevant. However, I agree with the Council's suggestion that in order to maximise clarity the maps should be labelled as 'Proposals Map Part 1: District Wide', 'Proposals Map Part 2: Leamington and Warwick Urban Inset' etc.

**1.2.16 Issue 13:** I do not accept that the text of the Plan is so vague as to dilute the precision and enforceability of its policies. In my opinion, the text is generally concise and user-friendly. Its style reflects the approach of the new planning framework.

---

<sup>2</sup> CD801

- 1.2.17 Issue 14:** Paragraph 1.17 recognises the considerable development pressure to which the District is subject. The statement made that ‘this pressure needs to be managed in such a way that maintains and directs growth to areas in need whilst protecting the very qualities which make the District a desirable place to live and work’ encapsulates the essential challenge facing the District Council through this Local Plan. The Plan provides the necessary planning framework to control development. It can do little more in the light of market forces.
- 1.2.18 Issue 15:** The overriding objective of the Local Plan is to contribute towards achieving the joint vision for the District taken from the Community Plan. This reads: “We want Warwick District to be safe, healthy, fair and prosperous, now and into the future”. In those circumstances, I agree with the District Council that it would not be appropriate to omit the word ‘fair’.
- 1.2.19 Issue 16:** Paragraph 1.35 has been amended in the Revised Deposit version to update the Plan in respect of the retail studies undertaken by consultants DTZ for the Council in 2002 and 2004. Those reports are publicly available. The key issues identified are set out in Paragraphs 7.8 and 7.8A of the Plan. A number of the studies’ broad recommendations have informed Plan policies. I concur with the District Council that the status of the reports is clear and that it is unnecessary to provide any more information in the introduction to the Plan. Moreover, the policy framework is adequate to assess the implications of specific retail proposals without the need to draw conclusions on quantitative and qualitative need in an appendix to the Plan. I note that as part of the report preparation process consultation was carried out through a series of stakeholder events.
- 1.2.20 Issue 17:** The Council has accepted that more work is required to inform retail policy in Kenilworth town centre. An additional Paragraph 7.8A has been included in the Revised Deposit Plan detailing work in progress. It is intended that this be further updated through proposed changes, which I endorse subject to minor redrafting. I agree that this level of detail is more appropriate for inclusion in the introduction to Chapter 7 (Town Centre Policies) rather than in the introductory chapter of the Plan. The objection by Kenilworth Town Council has, I note, been conditionally withdrawn.
- 1.2.21 Issue 18:** A sustainability appraisal was undertaken by the District Council, advised by consultants, to inform preparation of the Revised Deposit Plan. Its purpose was to ensure that the economic, environmental and social impacts of policies had been taken into account. The appraisal sought to comply with Government guidance and the European Union Directive on Strategic Environmental Assessment. I note that the process included consultation with statutory and other bodies identified in the Final Sustainability Appraisal Report.<sup>3</sup> I am satisfied that this process of consultation was adequate.
- 1.2.22 Issue 19:** Further text was added after Paragraph 1.18 in the Revised Deposit Plan to confirm the District Council’s commitment, as a signatory of the Nottingham Declaration, to contribute at a local level to delivery of the UK Climate Change Programme. The objection by the Warwick and Leamington Green Party has therefore been met.

---

<sup>3</sup> CD10

**1.2.23 Issue 20:** In order to ensure a compact and concise Plan I accept that it is not necessary to refer to every single document that may have informed preparation of the Local Plan. Nevertheless, I note that Paragraph 4.22 in support of Policy DP3 makes specific mention of the Habitat Biodiversity Audit for Warwickshire, Coventry and Solihull, and emerging Geodiversity and Biodiversity Action Plans. These references are, in my opinion, sufficient without the need for a separate paragraph in the introductory chapter.

**1.2.24 Issue 21:** The Plan acknowledges the differences between the rural and urban sections of the District and includes a suite of policies for each, arranged in separate chapters. Paragraph 8.4 details the population and area characteristics of the rural localities while the urban areas chapter sets out the population residing within each of the towns. I agree with the planning authority that there is no need to cover this split in detail in the introduction to the Plan. In particular, I see no need to point out that 81% of the population lives in 11% of the District. The ability of each town to accommodate further development is addressed through a range of Plan policies.

**1.2.25 Issue 22:** The District Council confirms that all 3 of the consultants' reports commissioned by the County Council in relation to the Warwick and Leamington park and ride proposals are in the public domain.<sup>4</sup> I note that the park and ride proposals are under active consideration, with no site having yet been firmly selected.

**1.2.26 Issue 23:** In terms of safety, Policy DP1 k) requires all components of a development to be well related to each other to provide a safe and attractive environment, while Policy DP13 encourages layout and design to minimise the potential for crime and anti-social behaviour. As regards fairness, the Plan seeks to provide a high quality environment for all; ensure a good level of accessibility to services, amenities and employment opportunities; provide housing (including affordable housing) to meet the needs of all sections of the community; and support rural communities in sustainable locations. In my view, these provisions demonstrate a commitment to safety and fairness.

## **Recommendations**

**1.2.27 (a) That the Revised Deposit Plan be modified as follows:**

**(i) amend the first line of Paragraph 1.45 to read:**

**“The policies, allocations and designations .....**”

**(ii) amend Paragraph 2.8 to read:**

**“Planning applications are determined primarily against policies in the development plan. The following points are assessed and considered when determining a planning application:-**

- **policies contained within supplementary planning guidance and supplementary planning documents;**
- **.....”**

---

<sup>4</sup> CD 450, CD451 and CD452

*(NB This recommendation duplicates that made at Paragraph 2.2.10  
(a) (i) of my report)*

**(iii) label the Proposals Maps as:**

**“Proposals Map Part 1: District Wide”, “Proposals Map Part 2: Leamington and Warwick Urban Inset” etc.**

**(iv) amend Paragraph 7.8A to read:**

**“Following from the work undertaken by DTZ the Council is presently undertaking further work to address some of the key issues within the town centres. Within Leamington town centre it has commissioned work to assess the feasibility and opportunities for a retail-led redevelopment of Chandos Street car park. This work will also take account of the future need for car parking in maintaining the retail attractiveness of the town centre overall. In Kenilworth the Council, alongside Warwickshire County Council and Kenilworth Town Council, has developed traffic management measures which have not yet been agreed. They will be subject to public consultation as part of the consideration of a wider framework of improvements to the town centre that will also include environmental improvements and the possible redevelopment of a number of sites, in particular a Public Service Centre at Smalley Place.”**

**(b) That no further modifications be made to the Revised Deposit Plan in respect of these objections.**

\*\*\*\*\*