

	FULL COUNCIL AND EXECUTIVE 23rd APRIL 2014	Agenda Item No. 13
Title	Local Plan Submission Draft	
For further information about this report please contact	Tracy Darke/Dave Barber	
Wards of the District directly affected	All	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006	No	
Date and meeting when issue was last considered and relevant minute number	Council and Executive 4 th June 2013 (Revised Development Strategy) Minute 3	
Background Papers	<ul style="list-style-type: none"> • Preferred Options 2012 • Revised Development Strategy 2013 • CIL Preliminary Draft Charging Schedule 2013 • Village Sites and Settlement Boundaries 2013 • Local Development Scheme 2014 • Statement of Community Involvement • Sustainability Appraisal 	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	Yes
Included within the Forward Plan? (If yes include reference number)	Yes (Ref 451)

Officer/Councillor Approval		
With regard to officer approval all reports <i>must</i> be approved by the report authors relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	11/04/14	Chris Elliott/Bill Hunt
Head of Service	11/04/14	Tracy Darke

CMT	11/04/14	
Section 151 Officer	11/04/14	Mike Snow
Monitoring Officer	11/04/14	Andrew Jones
Finance		N/A
Portfolio Holder(s)	11/04/14	Cllr Les Caborn
Consultation & Community Engagement		
Please insert details of any consultation undertaken with regard to this report.		
2011: Issues and Growth Scenarios 2012: Preferred Options 2013: Revised Development Strategy 2013: CIL Preliminary Draft Charging Schedule 2013: Village sites and settlement boundaries See Report of Public Consultations (Appendix 3) for further details		
Final Decision?		Yes

1. **SUMMARY**

- 1.1 This report seeks the approval of Council for the Publication Draft Local Plan and Policies Map and sets in motion the publication process and period of representations leading to the submission of the Local Plan to the Secretary of State.
- 1.2 It also seeks approval for a number of associated recommendations to enable the progress of the Draft Local Plan and associated documents.

2 **RECOMMENDATIONS**

Council is recommended to resolve as follows:

- 2.1 That the Local Plan as set out in **Appendix 1** and Policies Maps as set out in **Appendix 2** are approved for Publication under Regulation 19 of the Town and Country Planning Regulations 2012.
- 2.2 That the Publication Draft Local Plan, Policies Maps and Sustainability Appraisal be open to representations for a period of six weeks, starting during week commencing 12th May 2014, in accordance with a Statement of Representations Procedure to be made available in accordance with regulation 19 of the Town and Country Planning Regulations 2012
- 2.3 That approval of the Statement of Representations Procedure is delegated to the Chief Executive, in with the Deputy Leader of the Council.
- 2.4 That the Report of Public Consultations as set out in **Appendix 3** is noted.
- 2.5 That Council, following the six week consultation period, delegates authority to the Chief Executive, in consultation with the Group Leaders and the Deputy Leader of the Council, to submit a table of any proposed modifications that are deemed appropriate, to the Secretary of State for the purposes of Independent Examination and invite them to amend the Draft Local Plan and/or Policies Map as appropriate.
- 2.6 That, if no modifications are required or there is a need for amendments of a minor nature, authority is delegated to the Chief Executive, in consultation with the Group Leaders and the Deputy Leader of the Council, to submit the Local Plan to the Secretary of State, for Independent Examination.
- 2.7 That delegated authority is granted to the Head of Development Services, in consultation with the Deputy Leader of the Council, to add

a glossary and make any necessary non-material amendments to the Local Plan before the commencement of the consultation.

- 2.8 That a report on the Community Infrastructure Levy Draft Charging Schedule is prepared for Council to consider at its meeting on 25th June and that the Local Development Scheme is amended accordingly.

Executive is recommended to resolve as follows;

- 2.9 That the draft Local Plan has effect as an interim statement of the policy intentions of the District Council and be given weight in planning decisions accordingly
- 2.10 That Table 2 of the Statement of Community Involvement (SCI) be amended as set out in paragraphs 3.22 and 3.23 and that these revisions to the SCI are adopted.
- 2.11 That, as requested by the Coventry and Warwickshire Joint Committee at its meeting on 20th March, the Duty to Cooperate process for addressing housing need arising from outside the District's borders as set out in **Appendix 5** be agreed.
- 2.12 That the Draft Infrastructure Delivery Plan, as set out in **Appendix 4**, be approved as a supporting document for the consultation on the Draft Local Plan and as a basis for further work with infrastructure providers.
- 2.13 That, until such time as a Community Infrastructure Levy Draft Charging Schedule has been adopted, the tariff approach set out at paragraphs 3.30 -3.33 of this report is used as an aid to determining the appropriate level of Section 106 Contributions in relation to planning applications, subject to compliance with the tests set out in Section 122 of the Community Infrastructure Regulations 2010

3 REASONS FOR THE RECOMMENDATION

- 3.1 **Recommendation 2.1** – The Draft Local Plan set out in Appendix 1 puts forward proposals and policies to help support and shape the development that the District needs through until 2029. The Draft Local Plan is linked to the Policies Map, set out at Appendix 2, which shows how the Local Plan policies will be applied across different parts of the District.
- 3.2 The Town and Country Planning Regulations 2012 require the Local Plan and Policies Map to proceed through a number of key stages. This report brings to an end the "preparation" stage as set out in regulation 18 of the 2012 Regulations and commences the "publication" stage of the Local Plan as set out in Regulation 19.

- 3.3 **Recommendation 2.2** – Following approval for publication, Regulation 20 of the Town and Country Planning Regulations requires that the Draft Local Plan, Policies Map and Sustainability Appraisal are open to representations for a period of six weeks. The Regulations require that the following documents are published alongside the Draft Local Plan and Policies Map:
- the Sustainability Appraisal report of the Local Plan (this is available on the Council’s website),
 - a statement setting out—
 - (i) which bodies and persons were invited to make representations under regulation 18,
 - (ii) how those bodies and persons were invited to make such representations,
 - (iii) a summary of the main issues raised by those representations, and
 - (iv) how those main issues have been addressed in the Development Policy Document, and such supporting documents as in the opinion of the local planning authority are relevant to the preparation of the Local Plan; and
 - a “statement of the representations procedure” specifying—
 - (a) the title of the Local Plan which the local planning authority propose to submit to the Secretary of State;
 - (b) the subject matter of, and the area covered by, the local plan;
 - (c) the date by which representations about the Local Plan must be received by the local planning authority, which must be not less than 6 weeks from the day on which the statement is published;
 - (d) the address to which representations about the Local Plan must be made;
 - (e) that representations may be made in writing or by way of electronic communications; and
 - (f) that representations may be accompanied by a request to be notified at a specified address of any of the following—
 - (i) the submission of the local plan for independent examination under section 20 of the Act,
 - (ii) the publication of the recommendations of the person appointed to carry out an independent examination of the local plan under section 20 of the Act, and
 - (iii) the adoption of the Local Plan.
- 3.4 It is proposed to commence the period during which the Draft Local Plan, Policies Map and Sustainability Appraisal are open to representations during the week commencing Monday 12th May. This will allow sufficient time to prepare the publication documents. The six week period will end during the week commencing 23rd June.
- 3.5 With regard to the preparation of the publication documents, the proposal is as follows:

Draft Local Plan: to be published as shown in Appendix 1 subject to amendments agreed by Council and the addition of a Glossary of Terms.

Policies Map: to be published as shown in Appendix 2 subject to amendments agreed by Council.

Sustainability Appraisal Report: the sustainability appraisal process has informed the preparation of the Draft Local Plan. A report on this was published on the Council's website on 11th April. It is proposed that this report be published for the period of representations.

Report of Public Consultation: the statement required to report on public consultations undertaken during the Regulation 18 preparation stage of the Local Plan will comprise of:

- the Report of Public Consultation shown in Appendix 3 of this report,
- Part 1 of the Preferred Options Report of Public Consultation (Appendix 5 of the report considered by the Executive (and Council) on 4th June 2013)
- the "Helping to Shape the District" Report of Public Consultation published in December 2011.

- 3.6 **Recommendation 2.3:** A Statement of Representations Procedure must be prepared prior to the commencement of the period during which the publication documents are open to representations. It is proposed that the authority to finalise and approve this statement is delegated to the Chief Executive, in consultation with the Deputy Leader of the Council.
- 3.7 **Recommendation 2.4:** The preparation stage of the Local Plan must ensure that the Local Plan is consistent with the National Planning Policy Framework (NPPF) and should take account of up to date evidence and any representations made during the consultations. These matters should therefore be taken in to account by Council in considering the Draft Local Plan and the Policies Map.
- 3.8 The Report of Public Consultations, at Appendix 3, sets out the material points raised during the following consultations:
- The Preferred Options Consultation 2012 - Part 2 (note that part 1 was reported to Executive (and Council) on 4th June 2013)
 - The Revised Development Strategy Consultation 2013
 - The consultation on the Preliminary Draft Charging Schedule for the Community Infrastructure Levy 2013.
 - The Village Sites and Settlement Boundaries consultation during 2013/2014.
- 3.9 **Recommendation 2.5:** As set out in recommendation 2.2 the period during which the Draft Local Plan will be open for representations will commence during the week commencing 12th May and will end during the week commencing 23rd June. The representations received during

this period will be carefully analysed and where these indicate that modifications to the plan can be justified, a table of proposed modifications will be submitted alongside the Local Plan.

- 3.10 It is proposed that if such modifications are required that the Chief Executive, in consultation with the Group Leaders and the Deputy Leader of the Council, is authorised to submit a table of the proposed modifications to the Secretary of State. The Secretary of State will then make the necessary arrangements for an Independent Examination, as they will have been invited to amend the Draft Local Plan and/or the Policies Map
- 3.11 **Recommendation 2.6:** In the event that no modifications are proposed or that any appropriate modifications are of a minor nature (for example, if further useful detail could be added to policies as a result of the representations received, slight updates made to policies from a revised evidence base, or factual errors needed to be corrected), then it is recommended that authority is again delegated to the Chief Executive, in consultation with the Group Leaders and the Deputy Leader of the Council, for the Draft Local Plan and Policies Map to be submitted to the Secretary of State as set out in this report (or with any minor amendments).
- 3.12 Whilst Recommendations 2.5 and 2.6 will enable the submission date to be brought forward, the exact submission date will still be dependent on the number of representations received, whether any modifications are required and, if so, the number of such modifications. However, it is estimated that submission could take place in late summer (July/August).
- 3.13 **Recommendation 2.7:** It is proposed that delegated authority is granted to the Head of Development Services, in conjunction with the Deputy Leader of the Council, to make minor non-material amendments to the Local Plan before the commencement of the consultation. The purpose of this recommendation is to ensure that any minor issues identified, such as typographical errors in the document, can be amended before the consultation stage for the Submission Draft.
- 3.14 **Recommendation 2.8:** At its meeting on 4th June 2013, Executive agreed to consult on a Preliminary Draft Charging Schedule for the Community Infrastructure Levy (CIL). The key points arising from this consultation are summarised in the Report of Public Consultations, set out at Appendix 3.
- 3.15 The Local Development Scheme approved by Executive in February 2014 set out the intention to put forward a Draft Charging Schedule for approval as part this report and for the period for representations to run in parallel with the Draft Local Plan. However, before this can be done, the CIL viability work needs to be revisited to ensure the points raised

through the consultation are properly addressed and to ensure that the CIL is set at a level which maximises the contributions to infrastructure without undermining the viability of development. This is particularly relevant in light of the recent upturn in the economy and housing market which means the previous viability work now needs to be updated.

- 3.16 For this reason it is now proposed that the Draft Charging Schedule be considered by Council at its meeting on 25th June and that the Local Development Scheme is amended accordingly.
- 3.17 The revised timetable for finalisation of the CIL Charging Schedule will therefore be:
25th June: Draft Charging Schedule considered by Council
4th July to 1st August: 4 week period during which the Draft Charging Schedule is open for representations
29th August: Approximate date for submission of the Draft Charging Schedule to the secretary of State
- 3.18 It is hoped that this timetable will enable the Council to adopt a CIL scheme to commence alongside in the Local Plan in the spring of 2015.
- 3.19 **Recommendation 2.9:** This report marks the point in the Local Plan process between the 'preparation' stage of the Local Plan (during which the proposals are not formal Council policy) and the 'publication' stage. Once the publication stage has been reached, i.e. following Council and Executive approval of the recommendations within this report, the Draft Local Plan and Policies Map can be considered to be Council policy and can therefore be given due weight in planning decisions in line with paragraph 216 of the NPPF which states:
"From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
 - *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
 - *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."*
- 3.20 **Recommendation 2.10:** A full revision of the Statement of Community Involvement (SCI) will take place in 2015 to ensure it is consistent with the terminology in 2012 Planning Regulations. However, it is proposed to make minor amendments to the final paragraph of table 2 of the SCI at this stage, rather than await the full revision.

- 3.21 This is necessary as it is considered that the current wording of the final paragraph of the "submission" section of this table could be used to delay the Local Plan without reasonable cause. There have been a number of opportunities for alternative sites to be put forward during the preparation stages of the Local Plan, so it is not considered necessary to commence an additional period of 6 week consultation if any new sites are proposed at this stage, unless there is clear evidence that the new information would require major modifications, without which the Local Plan would be found to be unsound. The amendment is therefore needed to ensure that any submission of alternative sites following the publication of Draft Plan does not unduly delay the process between the publication of the Draft and submission to the Secretary of State.
- 3.22 For clarity it proposed to delete the words "*If, during the submission consultations, alternative sites are proposed, the Council will advertise these alternative sites and invite comments for a further period of six weeks*" from the SCI.
- 3.23 Table 2 also currently indicates that "*Amendments to the document prior to submission will require Council approval*" and it is also proposed to delete this sentence.
- 3.24 **Recommendation 2.11:** On 20th March 2014 the Coventry and Warwickshire Joint Committee agreed, subject to formal approval from each of the constituent authorities, a Duty to Cooperate process for addressing housing need arising from outside a District's borders. This process is set out at Appendix 5.
- 3.25 Members will be aware that there is a possibility that the Council will be asked to accommodate growth arising from outside the district. In such a scenario the Duty to Cooperate will apply and it would be necessary to ensure the matter is addressed through the application of an evidential approach.
- 3.26 Consequently, all the local authorities within the Coventry and Warwickshire sub-region have worked together to develop a Duty to Cooperate approach which can be applied by all the six local planning authorities in the event of one or more having a shortfall in its housing land availability, or one or more being asked to contribute to a shortfall arising from outside the sub-region. The agreed approach was endorsed by the Coventry and Warwickshire Joint Committee and it is therefore recommended that this Council agrees the Joint Committee's recommended approach, subject to all the other authorities agreeing to it, and to apply this approach should the described scenario arise.
- 3.27 **Recommendation 2.12:** Whilst Regulation 20 of the Town and Country Planning Regulations 2012 does not require the publication of

an infrastructure delivery plan, it is recognised that the provision of infrastructure is an important issue that is closely linked to the Draft Local Plan proposals. A Draft Infrastructure Delivery Plan (IDP) has therefore been prepared (attached as Appendix 4). This sets out the emerging infrastructure requirements along with costs and proposed sources of funding. To be found to be sound an IDP will require evidence of sound infrastructure delivery planning, confirmation that there are no regulatory or national planning policy barriers to delivery, that providers are, if possible, signed up to it, that it is coherent with the strategies of neighbouring authorities, and that it is sufficiently flexible and capable of being monitored.

- 3.28 It should be noted that the IDP will continue to evolve in the period through to Submission of the Local Plan to the Secretary of State as refined information and evidence is provided by Infrastructure Providers. At the point of submission, a key role of the IDP will be to demonstrate deliverability and viability of the Local Plan. However, the IDP will also continue to evolve beyond submission when it will also be used to inform CIL priorities and developer contributions associated with planning applications.
- 3.29 Its on-going evolution will need to take account of:
- any new evidence regarding requirements; for example, an sustainable transport assessment is currently being undertaken and this may provide evidence for changes to the transport proposals set out in the Draft Plan
 - any new evidence regarding costs; a number of infrastructure providers have provided indicative costs, but for these to be funded through planning obligations further work, currently being undertaken, is needed to confirm the evidence to justify these costs
 - any new funding opportunities; funding opportunities will continue to emerge and as they do these will need to be fed in to the IDP
 - any change to Council priorities; as community priorities change, the IDP will need to be adapted to reflect these.
- 3.30 **Recommendation 2.13:** Until such time as a Community Infrastructure Levy is formally adopted the Council will require a mechanism to ensure that appropriate financial contributions for infrastructure are available.
- 3.31 In considering a number of recent planning applications for significant housing developments, the Council has negotiated section 106 contributions on the basis of a "per dwelling contribution" to infrastructure requirements. It is now proposed to apply this approach more widely until such time that a CIL scheme has been adopted by:
- Developing a standard "Heads of Terms" for section 106 agreements which includes a "per dwelling" tariff based approach and which takes account of the established requirements in the Infrastructure Delivery Plan. This standard Heads of Terms will be used as a

starting point for negotiations. It will not be possible to apply this approach uniformly to all housing applications as this would not be CIL compliant.

- Applying the standardised Section 106 agreement and per dwelling contribution approach to proposals for all new dwellings where a contribution to infrastructure can be justified
- Providing a discount on affordable housing on a sliding scale ranging from 100% discount to 25% discount depending on the tenure of the affordable housing
- Ensuring that, when applying the standardised Section 106 agreement, consideration is also given to the overall viability of housing projects, particularly if there are abnormal development costs and/or the sites are small in size.

3.32 The main elements of the Draft Section 106 Heads of Terms are set out in Appendix 6.

3.33 The new approach to Section 106 Heads of Terms has a number of significant advantages:

- The application of a tariff based approach provides more clarity, consistency and certainty for developers;
- It provide more certainty for the Council and other infrastructure providers about the quantity and phasing of contributions;
- It can be extended to include specific conditions relating to area specific implementation agreements/programmes and matters such as land equalisation payments and any forward funding arrangements to enable the timely delivery of land use and supporting infrastructure.

4. POLICY FRAMEWORK

4.1 The Local Plan is a strategic development plan document that the Council has a statutory duty to provide, and will direct development in the district for the next 15 years. It will ensure that the Council meets its obligations in providing adequate land supply in the district, and set the framework for decision making in the future.

4.2 The Local Plan complies with the Council's vision in ensuring that Warwick District is and continues to be a great place to live, work and visit.

5. BUDGETARY FRAMEWORK

5.1 The next stage of the Local Plan process, following the six week consultation on the soundness of the Plan, will be to submit the document to the Secretary of State for examination. This will take place over a number of months and will include an Examination in Public. The

cost of this process is likely to be in the region of £100K and will be met from the Planning Appeals reserves.

- 5.2 It should be recognised that the Local Plan will bring significant financial benefits to the district, through infrastructure investment, increased business rates and New Homes Bonus.
- 5.3 In addition, the ability of the Plan to create employment growth, both in the construction industry and at the employment sites it will deliver will provide significant indirect benefits to the Council's Prosperity agenda, as well as providing a catalyst for further inward investment into the district

6. RISKS

- 6.1 There are significant risks in not having a Local Plan in place. These include a loss of control over where future development is sited, funding gaps for the infrastructure needed to support new development, and the reputational damage to the Council arising as a result of it not having planned for the development necessary to support the local economy.
- 6.2 There is a specific risk register for the Local Plan and its significance is also recognised within the corporate Significant Business Risk Register. These documents have been regularly updated as the Local Plan has developed to ensure that risks are closely monitored and mitigated wherever necessary.

7. ALTERNATIVE OPTION(S) CONSIDERED

- 7.1 In preparing a Local Plan, the Council is required to follow the Town and Country Planning Regulations 2012. Therefore, apart from applying different timescales, there are no alternative options regarding recommendations 2.1 and 2.2, and there is a requirement to provide a Statement of Representations Procedure as per recommendation 2.3.
- 7.2 With regard to recommendations 2.5 and 2.6, it would be possible to ask for the Local Plan to be considered again by Council prior to submission. However, it is felt that the recommendations allow for the adoption of the Local Plan in as short a time as possible.
- 7.3 With regard to recommendation 2.8, the Council has already resolved to develop a CIL scheme. Therefore the only alternatives are with regard to the timing of this. However due to the nature of the work required to set a sound and effective CIL charging schedule, it would be difficult to achieve this earlier than set out.
- 7.4 With regard to recommendation 2.9, this is in line with the NPPF and there are therefore no alternatives, although it should be stressed the

amount of weight to accord to the Draft Local Plan will be a matter for the decision takers in light of the specific circumstances of the application being considered.

- 7.5 With regard to recommendation 2.10, the Statement of Community Involvement could be left un-amended. However this would potentially lead to unnecessary delays to the Local Plan.
- 7.6 With regard to recommendation 2.11, it would be possible to choose not to support the Joint Committee's recommendation. However this would underline the Council's work on Duty to Cooperate and could put the soundness and timetable of the Local Plan at significant risk.
- 7.7 With regard to recommendation 2.12 there is no requirement to prepare and consult on a Draft Infrastructure Delivery Plan at this stage and it would be possible to view the IDP as a supporting document. However, as the IDP is so intrinsically linked with the Local Plan it is proposed to include this for representations even though it will continue to evolve
- 7.8 With regard to recommendation 2.13, there is no requirement to proceed as proposed as the Council could continue to use Section 106 agreements as it has done in the past. However this is not recommended for the reasons set out in paragraphs 3.30 – 3.33.

8. BACKGROUND

- 8.1 The Local Plan and associated Policies Map have been based on two key sources:
 - The evidence base
 - Material matters raised through the consultation processes
- 8.2 The process has inevitably had to address a number of issues for which strongly held views have been expressed. The justification for the policies and proposals in the Local Plan will be set out in full in topic papers that will be prepared to support the Submission of the Local Plan. The section below provides a summary of the justification for a number of the policies and proposals that have attracted the most attention

8.3 The Housing Requirement

- 8.3.1 The Housing Requirement of 12860 new homes between 2011 and 2029 (as set out in Policy DS2 of the Draft Local Plan), has been primarily derived from the Joint Strategic Housing Market Assessment (Joint SHMA). This study was undertaken in 2013 in conjunction with all the local planning authorities within the Coventry and Warwickshire Housing Market Area. It closely followed the methodology for assessing housing need set out in the National

Planning Practice Guidance. As well as providing the basis for the District's housing requirement, it also ensures the Duty to Cooperate has been addressed with regard to ensuring the housing provision within the District is aligned with the needs of the whole Housing Market Area.

- 8.3.2 Prior to the Joint SHMA, two studies had been undertaken regarding the District's Housing requirement. In March 2012, the Council published a Strategic Housing Market Assessment. This suggested a number of different scenarios based on trends and forecast employment growth. The trends based scenarios suggested around 600 houses per annum would be needed, whilst the employment based scenarios suggested around 569 to 715 per annum would be needed. On this basis, the 2012 Preferred Options indicated a preferred level of growth of 600 dwelling per annum. However it should be noted that this study was carried out independently from neighbouring local authorities and pre-dated the National Planning Practice Guidance
- 8.3.3 In December 2012, the Council published the Economic and Demographic Forecasts Study. This updated the 2012 SHMA to take account of census data and updated economic forecasts. It also looked at the possible housing impacts of the Gateway employment sites proposals. This study suggested a trend based housing requirement of 430 dwellings per annum. However as this looked at a period during which the Council had a housing moratorium, this figure was unlikely to be found sound. The employment driven forecasts indicated an annual requirement in excess of 720 dwellings per annum. As a result the Council proposed an interim level of growth of 683 dwellings per year in the 2013 Revised Development Strategy, pending the outcomes of the Joint SHMA.
- 8.3.4 This has been an aspect of the Local Plan that has come under considerable scrutiny, with a large number of representations suggesting that the requirement should be lower and a number also suggesting they should be higher. The outcomes of Issues and Options consultation undertaken in 2011 suggested that many local residents wanted to see lower levels of growth than that now being recommended with the Local Plan. However, it is worth noting that the Council's scope for planning for a lower number than indicated in the Joint SHMA is limited by the most recent National Planning Practice Guidance. It has not therefore been possible to prepare a Plan based on the preferences of many local residents.

8.4 Overall Distribution of Development

- 8.4.1 In terms of where growth is located it has been the Council's ambition to:

- Focus on brownfield land first
- Distribute development across the District where possible
- Avoid coalescence
- Protect significant and valuable features of the District, ie. Areas of high landscape value.

8.4.2 The Local Plan has been developed with these ambitions in mind. However, essential to the achievement a sound Plan is the requirement that the allocation of sites is consistent with the NPPF and is backed up by evidence. For instance as around 80% of the District is within the Green Belt and sites within the Green Belt can only be allocated where exceptional circumstances can be evidenced. Therefore, if there are suitable site to meet outside the Green Belt, the NPPF requires that these should be considered first.

8.4.3 As a result of this, the main allocations are brownfield sites (around 23%) and greenfield sites outside the Green Belt (around 54% of allocated sites). However around 23% of sites are located within areas that are currently Green Belt. In each of these cases, exceptional circumstances have been put forward to justify the release of the sites from the Green Belt. This justification encompasses the following:

- Red House Farm and Campion Hills are justified as a result of their potential to support regeneration in Lillington which is the most deprived part of the District
- Sites adjacent to Kenilworth are justified as a result of their potential to meet the housing and employment needs of the Town which is otherwise severely constricted by Green Belt
- Sites adjacent and within village settlements are justified to help address local housing needs and the imbalance in the current housing markets, which given the demographic trends in these physically constricted settlements are likely to have an impact on the future of the local services and facilities.

8.4.4 A particularly controversial aspect of where to distribute development has been identifying the most appropriate sites to allocate on the edge of the urban area. The 2012 Preferred Options included major allocation at Kenilworth, north of Leamington and to the south of Warwick. The emerging justification for the Green Belt sites to the north of Leamington centred on the argument that other potential sites outside the Green Belt to the south of Warwick would:

- Place undue pressure on infrastructure – particularly transport
- Result in a lack of choice of location of new housing leading to uncertainty about the ability of the market to deliver this level of development within the Plan period.

- 8.4.5 Members will recall that the Preferred Options allocated approximately 2700 dwellings to the south of Warwick at the Myton Garden Suburbs and South of Gallows Hill/the Asps. It also allocated 1980 dwellings to the north of Leamington.
- 8.4.6 Subsequent work, particularly assessing transport impacts and delivery issues demonstrated that a significant quantum of development to the south of the towns could be delivered within the Plan period and that the transport infrastructure could reasonably accommodate this growth. This meant that the exceptional circumstances for the land north of Leamington could not be substantiated.
- 8.4.7 The 2013 Revised Development Strategy therefore did not include proposals for site allocations to the north of Leamington. This was partly compensated for by including 3420 dwellings to the south of Warwick/Leamington.
- 8.4.8 The proposals in the Draft Local Plan have continued retain the area to the north of Leamington as Green Belt (with no development proposed). However, the current plan focuses more development on brownfield sites, and whilst this means that this has enabled a different configuration of site to be brought forward in order to minimise the impacts of the proposed developments.

8.5 Allocation of Sites to the South of Warwick

- 8.5.1 The paragraphs above describe how and why the quantum of development proposed to the south of Warwick/Leamington has changed during the preparation stages of the Local Plan. The configuration of sites in this area and the mix of uses within these sites has been the focus on much attention.
- **Land at the Asps and South of Gallows Hill:** this area was included in full for development in the Preferred Options and, in part, in the Revised Development Strategy. However it has been excluded from the Draft Local Plan. This is as a result of increasingly clear evidence that the landscape impacts and in particular the impacts on key heritage assets (such as Castle Park and Warwick Castle) are of such substance that it is inappropriate to allocate.
 - **Land South of Harbury Lane:** this area was not included for development within the Preferred Options due to concerns about perceptions of coalescence with Bishops Tachbrook. However, further work exploring landscape impacts and the potential for a Country Park to provide a substantial open space between the new development area and the village suggested that development in this area was preferable to the area at the Asps and South of Gallows Hill. So whilst the consultation responses

demonstrate that this area is a highly valued landscape by local residents, it has been included as a site for development within the both the Revised Development Strategy and the Draft Local Plan.

- **Land at Myton/West of Europa Way:** this area has been included for development in all stages of the Plan's preparation and is included in the Draft Local Plan. However, there has been detailed work on the most appropriate mix of uses to bring forward on this site. This has involved consideration of the following:
 - Education: detailed work has been undertaken to explore the need for and the viability of rebuilding Myton School. The Revised Development Strategy indicated that secondary education requirements could be met either through a new secondary school to the south of Harbury Lane or through expansion of existing schools. Further discussions the County Education Service and the local education providers have suggested that the preferred approach is to redevelop the Myton School campus to include both re-furbished and new school buildings to accommodate a forecast increase in pupil numbers. This campus will also include a new primary school.
 - Employment: the Employment Land review has identified the need for approx. 8 to 10 hectares of new employment land to the south of Warwick. The Preferred Options and the Revised Development indicated that this could be provided either within this area or to the south of Gallows Hill. However the landscape and heritage work described above has meant that the area south of Gallows Hill is longer being proposed for and development and that consequently, the employment area is best located on the Land at Myton/West of Europa Way. The represents an appropriate location being adjacent to both the Technology Park and Heathcote Industrial Estate. It is accessible from the motorway via Europa Way and as indicated by the Employment Land Review provides a good location to meet the needs of modern businesses.
 - Community Hub: the provision of local retail services; community facilities; community sports complex and complementary uses and a medical centre.
 - Other uses: this area has also been subject to discussion about providing land to assist with parking problems at Warwick Technology Park and to enable the relocation of Leamington Football Club. The potential for Leamington FC to relocate to this area remains a future prospect subject to land being made available through the detailed development proposals.

8.6 Traffic and Transport

- 8.6.1 There is widespread concern that the level of growth and the proposed location of the growth will result in significant levels of congestion with implications on quality of life and the economy of the towns. Of particular concern has been the impact of the proposals on already congested routes as a consequence of the limited number of river crossings in Warwick and Leamington.
- 8.6.2 There have been three separate Strategic Transport Assessments undertaken during 2012, 2013 and 2014. These have assessed the impacts of the development proposals set out in the Preferred Options, Revised Development Strategy and the Draft Local Plan. There are number of conclusions which can be drawn from these assessments:
- There will be more traffic on the roads as a result of the growth proposed in the Local Plan
 - Mitigation in the form of junction/road improvements and sustainable transport proposals is therefore required to support the level of growth
 - In general, locating a development to the south of Warwick/Leamington has lower impacts on congestion than locating development to the north of Leamington. This is because:
 - Many of the mitigation proposals can be concentrated on the section of the network closest to the motorway which provides the main routes southwards out of Warwick/Leamington and around Warwick.
 - The location of services such as food stores and employment is generally concentrated in the south of the towns and siting development close to these uses minimises the need to travel. However, it should be noted that this is partially balanced out by the location of the town centre north of the river and the location of employment centres in and around Coventry.
 - Even with the mitigation proposals congestion (as evidenced by forecast queue time and journey times) will deteriorate over the plan period, but that the modelling indicates this deterioration is at reasonable levels and that the network will continue to function effectively.
 - There are currently issues with the river crossings at Banbury Road, Warwick and Princes Drive, Leamington. However, through junction improvements these “pinch-points” can be reasonably mitigated. It should be noted, that in general congestion is not caused by the river crossings themselves, but by the junctions along those routes. This means effective mitigation is possible without increasing carriageway capacity on the bridges themselves.
- 8.6.3 The Strategic Transport Assessments have demonstrated that the level and location of growth proposed in the Draft Local Plan are justified in terms of traffic impacts. However, further work needs to

be (and is being) done to assess the optimum way forward for future transport arrangements.

- 8.6.4 To this end Warwickshire County Council, with input from Warwick District Council, are undertaking a study looking at alternative strategies. This study is based on improvements for sustainable transport modes for the towns and explores a range of scenarios which consider the impacts of measures such as limiting through traffic, implementing park and ride schemes, improving flows around the towns, speed restrictions and low emission zones.

8.7 Air Quality

- 8.7.1 There are existing air quality issues within Warwick and Leamington. In some locations these have been sufficiently severe that Air Quality Management Areas have been declared. Understandably, there are further concerns that the proposed level of growth will result in more traffic on the roads, which in turn will exacerbate air pollution.
- 8.7.2 To consider this issue, the District Council commissioned an air quality assessment which looked at the likely impacts on air quality of the proposals modelled in the Phase 3 Strategic Transport Assessment. The Air Quality Assessment concluded that air quality would improve during the Plan period as a result of cleaner vehicle engines. It showed that, even with increases in vehicle movements, the improvements in air quality are forecast to be of a scale that would mean the maximum concentrations of particulates and nitrous oxides would not be exceeded by the end of the Plan period.
- 8.7.3 Although air quality is certainly an issue that needs to be considered, the evidence demonstrates that the Local Plan's development proposals cannot be considered unsound for this reason. It should also be noted that Policy TP2 in the Draft Local Plan requires significant developments that generate traffic should undertake an assessment against the Council's Low Emissions Strategy Guidance. This seeks to ensure that impacts on Air Quality Management Areas are mitigated.

8.8 Historic Environment

- 8.8.1 Through the consultation process, concern has been raised about the impact of the level and location of growth on sensitive historic assets such as conservations area, listed buildings and registered parks and gardens. Particular concern has been expressed about the impact of development to the south of Warwick on the Castle Park, the Castle, the Banbury Road Bridge and Warwick Conservation Area.
- 8.8.2 As a result of these concerns, the Council has undertaken a Settings Impact Assessment for the sites South of Gallows and the Asps using

the English Heritage methodology. This work has demonstrated that that the significance of these heritage assets and particularly the Castle Park and the planned approach to Warwick, would be significantly and adversely impacted by development at those sites. This complements previous evidence prepared by landscape consultants which suggested that development at the Asps could not be mitigated.

- 8.8.3 Whilst the developers for both sites dispute the Council's findings on the Heritage Settings assessment, these sites are not proposed for development in the Draft Local Plan. This represents a significant change from the Revised Development Strategy which identified the area South of Gallows Hill for up to 630 houses and potentially some employment land.

8.9 Sub-regional employment site

- 8.9.1 Members will be aware that the Gateway Planning Application is currently subject to a call-in inquiry. However the Draft Local Plan proposes a sub-regional employment site in the same as proposed in the current application.
- 8.9.2 Aside from the assessment of the Gateway Planning application, the Local Authorities within Coventry and Warwickshire have undertaken a Joint Employment Land Study. Part of this study considered whether:
- there is a need for a sub-regional employment site and, if so;
 - a location in the vicinity of Coventry Airport was the most suitable location.
- 8.9.3 The study has concluded that there is a need for sub-regional employment site over and above the local employment land needs. This site needs to provide for national/international scale businesses, an entirely different market to that provided for by local employment sites.
- 8.9.4 The study also concluded that the site in the vicinity of Coventry Airport was the most suitable location for the sub-regional employment site. This is backed up by the identification of this site in the Strategic Economic Plan submitted to the Government by the Coventry and Warwickshire Local Enterprise Partnership (CWLEP) on 30th March 2014 after endorsement by both the CWLEP Board and the Coventry and Warwickshire Joint Committee.

8.10 Dealing with housing need arising from outside the District's border

8.10.1 The Joint Strategic Housing Market Assessment identified the housing need for all six local planning authorities in the Coventry and Warwickshire Area. For a number of these Councils, the next step is to identify available and suitable sites to deliver this need. This work is not complete in a number of authorities, including Coventry. As a result there is a risk that one or more of these authorities will not be able to meet their housing need in full within their boundaries. However, it should be stressed that, at this point in time, there is no clear evidence of a shortfall.

8.10.2 To address this issue, the Coventry and Warwickshire Joint Committee has endorsed a Duty to Cooperate approach to deal with any shortfall on a sub-regional basis. There are three main elements to the proposed approach:

- Preparing a Joint Evidence base covering issues such as site availability and green belt quality
- Developing a sub-regional strategic approach to deal with the shortfall, ensuring alignment with the strategic economic Plan and the taking account of the joint evidence.
- Should it be necessary to meet some or all of the shortfall within Warwick District, then the Local Plan will need to be reviewed to address this. (This would equally apply to other districts who commit to reviewing their respective Local Plans if any shortfall requirement impacted on their district).

This approach is set out in Policy DS14 of the Draft Local Plan

8.11 Justification for Green Belt sites

8.11.1 The Draft Local Plan proposes to release a number of areas from the Green Belt as set out in paragraph 2.80 of the Draft Local Plan and as shown on the policies map.

8.11.2 The Council's policy with regard to the Green Belt is to apply the National Planning Policy Framework. This sets out a stringent test to justify exceptional circumstances for Green Belt Releases. The areas proposed for release are justified as follows:

- Red House Farm and Campion Hills: important for the regeneration of Lillington
- Thickthorn and Castle 6th Form, Kenilworth: important to meet the housing needs of Kenilworth which (apart from the Crackley Triangle) is encircled by Green Belt. This has restricted the natural growth of the town in recent years.
- Southcrest Farm, Kenilworth: important to enable the relocation and expansion of Kenilworth School to meet future capacity forecasts.
- University of Warwick: the area being removed from the Green Belt is covered by the University's masterplan. Significant parts of this area are built up and some of the remainder has planning permission for further development. The area therefore no longer fulfils the main purposes of the Green Belt.

- Land in the vicinity of Coventry Airport: an area of land, to the north and south of Coventry airport, to provide for a sub-regional employment site.
- Oak Lea Farm, Finham: a small area of land which has been assessed as not providing a strong role in maintaining the function and purpose of the Green Belt and it is proposed to amend the Green Belt boundary to exclude this area.
- Villages: important to help deliver housing growth and re-balancing in local housing markets. All the sites included in the plan will only have a modest impact on the fundamental aim and purposes of the Green Belt as independently assessed.

8.12 Note on 5 Year Supply of Housing Land

- 8.12.1 Whilst the 5 year supply of housing land is not directly part of the Local Plan, the Local Plan is likely to help address the currently shortfall of housing land. At April 2013 the calculated position with regard to 5 year supply of housing indicated that the District had a 2.8 year supply of housing land. Since then a number of factors have changed, notably:
- The annual housing requirement has been reviewed through the Joint SHMA
 - A significant number of planning permissions for housing have been granted
 - The National Planning Practice Guidance has been published which clarifies what can and cannot be taken in to account in assessing 5 year supply
- 8.12.2 It is expected that when the position for April 2014 is calculated, the 5 year housing land supply position within the District will have improved in comparison with April 2013. Whilst it is too early to say with certainty whether this will mean the District has a 5 year supply, the likelihood remains that there will still be a shortfall. In this context the proposals in the Local Plan can help as more weight can be given to the Plan's proposals as it progresses. Once the Plan is sufficiently well advanced to give some certainty to the delivery of some sites within 5 years, these can be included within the supply. Officers will therefore monitor the position with regard to 5 year supply during 2014/15 with a view to resolving the shortfall as early as possible.

9 APPENDICES

- Appendix 1: Submission Draft Local Plan
- Appendix 2: Policies Maps
- Appendix 3: Report of Public Consultations
- Appendix 4: Draft Infrastructure Delivery Plan
- Appendix 5: Report of the Coventry & Warwickshire Joint Committee

Appendix 6: Heads of Terms/Section 106 schedule