

Warwick District Council's Local Plan 2011-2029 Examination in Public

Legal Compliance:

I submit that the Warwick District Council's Local Plan 2011-2029 as published is not legally compliant or sound for the following reasons:

1. Duty to Co-operate

For more than 10 years under the RSS, Warwick District was specifically required to limit housing and employment development to stem the unsustainable outflow of residents and jobs from the Major Urban Areas which was leaving zones of decay, deprivation and dependency. The NPPF¹ emphasises the duty to cooperate across administrative boundaries on strategic priorities which it defines as including housing, jobs and infrastructure including transport. Despite this, in the last 4 years this policy seems to have been effectively abandoned and replaced by a free-for-all reversal where private profit from development overrides social objectives and ignores the duty to co-operate in maintaining the viability and attractiveness of our urban areas.

WDC have chosen to cooperate in some areas with some neighbours but not in others. For many years, its cooperation with Solihull was implemented through the Coventry, Solihull and Warwickshire (CSW) partnership. In some areas, cooperation with Solihull has continued through the CSWPO group of Planning Officers, for example on Broadband Infrastructure and Green Infrastructure. On other strategic matters, such as the economy, there is no evidence of co-operation with Solihull: the established CSW Economic Strategy has been discarded without justification.

The NPPF requires² local planning authorities to take account of travel to work areas. Solihull Borough and Warwick District travel to work areas overlap considerably and there are significant commuting and migration flows between the two areas³. WDC seeks to agree housing allocations based on a Consultant's SHMA report for the Coventry-Warwickshire HMA. Despite recognising significant interaction between Warwick and Solihull, this SHMA asserts that "Solihull is **likely** to form part of a Birmingham-focused HMA"⁴. This is not sufficient evidence to make the proposed plan sound or to satisfy the Duty to Co-operate.

In order to meet the requirement for sustainable development, the NPPF requires⁵ that plans should ensure that developments are located where the need to travel is minimised. Housing should not be considered in isolation from employment. There is no evidence that this requirement has been addressed in the proposed WDC Plan, for example to minimise the need to travel between Solihull and WDC. The proposed development fails to consider these travel problems that will exacerbate the traffic overload on the A46 road, which is the vital transport spine connecting WDC to

¹ NPPF paragraphs 178 and 156

² NPPF paragraph 180

³ As recognised in (HO04) Coventry and Warwickshire Joint SHMA, paragraph 3.25 and Table 4

⁴ Ibid paragraph 3.30 with my added emphasis

⁵ NPPF paragraph 34

⁶ Data from WCC Highways Dept.

adjoining districts. In 2014 the 86,000 daily vehicle movements on the A46 was 30% more traffic than the M69 and only 5% less than the M40.⁶ Warwick District Council is failing in its duty towards the residents by not undertaking a thorough examination of this region's data. This co-operation process has a fundamental problem because Solihull is in the Greater Birmingham and Solihull Local Enterprise Partnership (GBS LEP) and in the Central HMA. WDC has focused its cooperation on the CW LEP area, even though Coventry, North Warwickshire, Rugby and Nuneaton & Bedworth are also part of the Central HMA while WDC is part of the South HMA⁶. The strategy appears to be driven by LEPs which introduce many anomalies, such as 'sub-regional' needs being claimed despite no evidence of co-operation with neighbouring LEP areas. Although the statutory Duty to Cooperate does not apply to LEPs, the dependence on LEP assertions does not absolve the local planning authority from its duty to co-operate.

The anomaly of housing need from outside WDC is covered in the proposed Local Plan policy DS20. Even though the proposed policy confines itself to working with other local authorities in the "Coventry and Warwickshire HMA", the proposed plan adds that Warwick District may have to take overspill housing from the GBHMA region if required⁷.

This vagueness is unsatisfactory for the communities of Warwick District and creates uncertainty for people and businesses in making future plans. The emerging Local Plan is now 4 years into its 18 year programme and has failed to co-operate with adjoining areas to determine future needs and this undermines the soundness of the Warwick District Local Plan for 2011-2029.

2. The Obligation for Public Participation in Plan Formation.

Warwick District Council set out their process for Public Participation in the document 'Statement of Community Involvement; updated April 2014.' This has not been followed during the development of the Local Plan 2011-2029. There have been significant changes in the planning proposals since the publication of the initial plan in May 2012. For example, the SHMA Addendum was published in September 2014 but WDC's Focused Consultation of October 2014 made no mention of this key document. This is a critical document that should inform the local plan and its omission renders the consultation process unsound. It appears that WDC is misleading potential consultees, resulting in an unsound local plan – it is not justified.

The NPPF⁸ "*provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.*" The process and public involvement pursued by WDC has excluded public involvement in the final stage of the Plan. Significant changes were made to the final draft which was not allowed proper public consultation.

Comments on the Local Plan final stage was only allowed on the legal aspects of the plan and not on the changes introduced. Even participation in this stage was impossible for most members of the public because the online form was in Adobe pdf format that cannot be altered unless individuals have specific commercial software.

⁶ (HO04) Coventry and Warwickshire Joint SHMA Table 2 Housing Market Areas in the West Midlands

⁷ (LP23) Warwick District Local Plan Submission Version incorporating proposed changes, paragraph 2.86 and Policy DS20

⁸ NPPF paragraph 1

WDC's approach does not comply with its claimed policy of allowing free public access and greater Community Involvement. The Local Plan published document is out of date and has a separate 80 page document with lists of amendments in a different page format to the Local Plan. This makes the Local Plan impossible to read, therefore the Local Plan is not legally compliant⁹.

The reliance by WDC on non-democratic outside organisations with strong vested interests in promoting specific planning developments is in opposition to the community involvement which is at the heart of the NPPF.

3. Soundness of the Local Plan; Failure to comply with National Policy.

Many of the proposals in the Local Plan are in opposition to the Government's legal obligation to reduce CO2 emissions by 80% by 2050 (Climate Change Act 2008). To quote from HMG's website "*Our ability to meet the carbon budgets relies on actions from the departments that lead on reducing emissions: DfT; DCLG, Defra, DECC & HMT.*" The reliance on road transport and commuting in the WDC Local Plan is in opposition to the above national obligation.

The NPPF requires all new development to be Sustainable Development complying with Economic, Social and Environmental objectives. While the WDC Local Plan pays lip service to these requirements in its policies, it has not applied these criteria to all its proposed development and therefore the Local Plan is not sound.

The Sustainability Assessment Report on the Local Plan is inadequate in many respects. The failure to consider the energy and pollution for individual development schemes is failing the communities. The Local Plan refers to cross border needs for sub-regional development but no top-down Sustainability Assessment has been made of the sub-regional requirement. The Local Plan does not even identify which sub-region is being considered. The proposals for new development in Warwick District will increase the current pattern of inward commuting that is currently 8,000 persons per day by an additional 8,000 and this is to the detriment of neighbouring communities; therefore the WDC Local Plan 2011- 2029 is not sound as it ignores the NPPF prime requirement for all development to be sustainable and it is inconsistent with the policy to reduce the need to travel and the obligation to reduce CO2 emissions to combat global warming.

END.

R.W.Fryer 15 April 2015

⁹ As established in the High Court judgment quashing part of the Forest Heath District Council Core Strategy: "it should not be necessary to embark on a paper-chase in order to understand the environmental effects of a proposal."