

Warwick District Council

Local Plan Examination

Response to Inspector's Matters and Issues

Matter 13 – Other Policies

Healthy, Safe and Inclusive Communities

Policy HS1 - Healthy, Safe and Inclusive Communities

Policy HS2 - Protecting Open Space, Sport and Recreation Facilities

Policy HS3 – Local Green Space

Policy HS4 – Improvements to Open Space, Sport and Recreation
Facilities

Policy HS5 – Directing Open Space, Sport and Recreation Facilities

Policy HS6 – Creating Healthy Communities

Policy HS7 – Crime Prevention

Policy HS8 – Protecting Community Facilities

Issue

Whether other policies are justified, effective and consistent with national policy.

October 2016

Policy HS1 Healthy, Safe and Inclusive Communities

1. What is the basis for the policy? What is it seeking to achieve

- a) The NPPF recognises the role that the planning system can have in facilitating social interaction and creating healthy, safe and inclusive communities. Policy HS1 responds to this aim by setting the framework for the consideration of development proposals to ensure that they assist in achieving this objective.

2. How does the policy relate to the evidence base?

- a) Policy HS1 is based on a range of evidence that includes the following:-
- i. Warwick District Green Space Strategy 2012 (Doc I02)
 - ii. Warwick District Council Indoor Sports and Leisure Strategy 2014(Doc I03)
 - iii. Playing Pitch and Outdoor Sports Strategy 2014(Doc I05)
 - iv. Warwickshire County Council Public Health – Health Impact Assessment of the Local Plan (submitted with representation 12790 Warwickshire County Council - Monica Fogarty)

3. Is the policy sufficiently clear? Will it provide sufficient guidance for decision making?

- a) The policy is considered to be sufficiently clear in that it details a range of considerations that should be addressed in the formulation of development proposals in order to create healthy safe and Inclusive communities. The criteria set out in the policy provide an appropriate framework for decision making in the assessment of development proposals.

4. How will the policy be implemented? Is this clear?

- a) The Policy will be implemented through the consideration of planning proposals in the Development Management process. This is made clear in the opening section of the policy.

5. How does the policy relate to national policy? How is it consistent? Are there any inconsistencies?

- a) The policy relates to the NPPF and the core planning principles (paragraph17) that refer to the need *'to take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs'*.
- b) Section 8 of the NPPF (Promoting healthy communities) is also relevant. The aims and requirements of the policy are considered consistent with this facet of National Policy.

6. In overall terms is the policy justified, effective and consistent with national policy?

- a) The policy is considered justified as it addresses the requirements of national policy and it is consistent with it.
- b) The policy has been subject to proposed modifications to the publication draft (See LP21). These have been proposed to provide clarity in response to representations and to ensure clear ties with Policy NE5. The proposed modifications are as follows:

- i. Revision of the first sentence of HS1, and criteria a) and b) as follows:

“The potential for creating healthy, safe and inclusive communities will be a guiding principle when considering all development proposals. Support will be given to proposals which:

- a) are accessible for older people and those with disabilities;
b) maximise opportunities to reduce fuel poverty .”*

- ii. The addition of clause k) to HS1 to read:

“Protect natural resources (as set out in Policy NE5) and which ensure the impacts on the quality of natural resources does not give rise to undue impacts on human health.

- iii. A new paragraph after 5.68 was also proposed to read

“In designing and laying out development to minimise the potential for crime and anti-social behaviour and improve community safety, the Council is keen to ensure that a successful evening/night-time economy can operate in the district. The Retail & Town Centre policies in this Plan (TC1 to TC13 in particular) set out where evening/night-time economy activities can locate. The Council will continue to engage with the Police, Town and Parish Councils and other relevant bodies to ensure that appropriate safeguards are put in place to both support the evening/night-time economy and at the same time protect the amenity and safety of local residents and the wider public. Furthermore, the Council will also take action in appropriate cases within its powers to address negative issues arising as a consequence of the evening/night time economy. This will include breaches of planning and licensing consents.”

Policy HS2 Protecting Open Space, Sport and Recreation Facilities

1. What is the basis for the policy? What is it seeking to achieve?

- a) Ensuring access to good quality open spaces and opportunities for sport and recreation facilities is important in building sustainable and healthy communities. Policy HS2 will protect open space; sporting and recreational facilities from development or changes of use unless the specific criteria set out in this policy can be satisfied. The policy will protect the itemised areas and facilities to ensure that communities have good access to opportunities for sport and recreation.
- b) The Policy reflects the importance of open spaces and opportunities for sport and recreation and will ensure that any proposals involving their potential loss will be given due consideration.

2. How does the policy relate to the evidence base?

- a) The following studies underpin the development of policy HS2.

- i. The Parks and Open Spaces Audit (2008) (Doc I01)
- ii. The Councils Green Space Strategy for Warwick District (2012) (Doc I02)
- iii. Indoor Sports and Leisure Strategy(2014) (I03)
- iv. Indoor Sports and Leisure Strategy – Needs and Evidence report(2014) (Doc I04)

3. Is the policy sufficiently clear? Will it provide sufficient guidance for decision making?

- a) The Policy is considered clear in that it sets out the requirements that have to be addressed before development on or the change of use of the prescribed assets can be undertaken. Replacement provision is required unless there is a robust assessment that can demonstrate a lack of need for a particular space or facility for sport or recreation.

4. How will the policy be implemented? Is this clear?

- a) The policy will be implemented through the development management process. Planning applications will be required to submit evidence to demonstrate how they are compliant with the criteria set out in the policy.

5. How does the policy relate to national policy? How is it consistent? Are there any inconsistencies?

- a) Ensuring access to high quality open spaces and opportunities for sport and recreation are an important component in contributing to the health and well-being of communities (para 73 of the NPPF).
- b) Paragraph 74 of the NPPF specifies that open space, sports and recreational buildings and land should not be built on unless particular requirements can be satisfied. These requirements are echoed in policy HS2.

6. In overall terms is the policy justified, effective and consistent with national policy?

- a) The policy and its intentions are justified and will set an effective framework for the consideration of relevant development proposals. As set out above (Q5) the policy is entirely consistent with national policy
- b) The policy was subject to the following proposed modifications prior to submission (LP21) in order to clarify it and to respond to Sport England’s representation:-

Criterion a) of policy HS2 was replaced as follows

- a) *“an alternative can be provided which is at least equivalent or better provision in terms of size, quality, accessibility, usefulness and attractiveness, and a management plan is submitted to ensure the future viability of the provision.”*

Policy HS3 Local Green Space

1. What is the basis for the policy? What is it seeking to achieve?

- a) The policy emphasises the importance of green spaces to local communities and states the

Council's intent to support appropriate proposals for the designation of Local Green Spaces through the Neighbourhood Planning process.

- b) When Local Green Spaces are identified and ratified through the adoption of a Neighbourhood Plan process they are afforded a very high level of protection (similar to that afforded to green belt land).

2. How does the policy relate to the evidence base?

The Parks and Open Spaces Audit (2008) (Doc I01)
The Councils Green Space Strategy for Warwick District (2012) (Doc I02)

3. Is the policy sufficiently clear? Will it provide sufficient guidance for decision making?

- a) The policy is clear in that the Council will support the identification and designation of areas of local green space significance.

4. How will the policy be implemented? Is this clear?

- a) The policy will provide certainty to local communities that the Council will be supportive of their endeavours to identify and protect these valuable assets through the Neighbourhood Planning process.

5. How does the policy relate to national policy? How is it consistent? Are there any inconsistencies?

- a) Policy HS3 is consistent with paragraphs 76, 77 and 78 of the NPPF.

6. In overall terms is the policy justified, effective and consistent with national policy?

- a) The importance of empowering local communities to have the ability to identify and protect open spaces of particular value in their own localities justifies the policy. The policy is therefore considered to be consistent with national policy.

Policy HS4 – Improvements to Open Space, Sport and Recreation Facilities

1. What is the basis for the policy? What is it seeking to achieve?

- a) New developments and expanding populations will place pressure on existing open space, sport and recreational facilities. The policy will ensure that developments make appropriate contributions towards the provision of open space, sport and recreation facilities in the form of new provision or enhancements to existing assets.
- b) This requirement will assist the delivery of good development and ensure that communities have access to an appropriate network of open space, sport and recreational assets in order to benefit them in terms of their health and well-being.

2. How does the policy relate to the evidence base?

- a) The policy is closely aligned with the Green Space Strategy for Warwick District (2012) (Doc I02) and the Parks and Open Space Audit (2008) (Doc I01) that identify deficiencies in the quality and quantity of open spaces and how these deficiencies may be rectified.

3. Is the policy sufficiently clear? Will it provide sufficient guidance for decision making?

- a) The policy informs developers of the requirement to formulate proposals that either incorporate the physical provision of open space, sports and recreational facilities, or where appropriate, provide finance to assist the improvement of existing facilities.

4. How will the policy be implemented? Is this clear?

- a) The policy will be implemented through the development management process and an assessment of development proposals to establish the type and format of contributions required.

5. How does the policy relate to national policy? How is it consistent? Are there any inconsistencies?

- a) The policy is consistent with paragraph 73 of the NPPF.

6. In overall terms is the policy justified, effective and consistent with national policy?

- a) The policy is aligned with the requirements of the NPPF and is considered to be an effective vehicle to ensure the delivery of good development outcomes.
- b) The policy has been subject to proposed modifications made to the publication draft (see LP21). This was deemed necessary to clarify the policy as a consequence of a representation made by Sport England as follows;-

Criterion c) of Policy HS4 was revised as follows:

c) outdoor and/or indoor sport accessible within a 20 minute travel time by walking, cycling and/or public transport.

Policy HS5 – Directing Open Space, Sport and Recreation Facilities

1. What is the basis for the policy? What is it seeking to achieve?

- a) The policy supports development proposals for open space, sport and recreation. It seeks to ensure that wherever possible such proposals address any identified shortfall in provision and that they are located at the most accessible locations.

2. How does the policy relate to the evidence base?

- a) The policy relates to the following evidence base:-
- i. Indoor Sports and Leisure Strategy (2014) (I03)
 - ii. The Playing Pitch and Outdoor Sport Strategy (2014) (I05)
 - iii. The Parks and Open Spaces Audit (2008) (I01)
 - iv. The Green Space Strategy for Warwick District (2012-2026) (I02)

3. Is the policy sufficiently clear? Will it provide sufficient guidance for decision making?

- a) The policy is considered sufficiently clear as it sets out the locational requirements that development proposals will have to give consideration to and demonstrate compliance with.

4. How will the policy be implemented? Is this clear?

- a) The policy requirements will be given consideration in the development management process and the determination of development proposals.

5. How does the policy relate to national policy? How is it consistent? Are there any inconsistencies?

- a) Paragraph 73 of the NPPF recognises the importance of access to high quality open spaces and opportunities for sport and recreation and that this can make an important contribution to the health and well-being of communities. This policy that seeks to address shortfalls in provision and locate facilities at highly accessible locations is therefore in alignment with the national policy.

6. In overall terms is the policy justified, effective and consistent with national policy?

- a) In aiming to deliver the prescribed facilities at sustainable locations the policy is justified and consistent with national policy.
- b) The policy has been subject to proposed modifications made to the publication draft (See LP21). The modification is set out below and was deemed necessary to enable the development of local community facilities outside the urban area in response to a representation made by Sport England.

Replace criterion b of policy HS5 with the following:

“b). for sport and recreation facilities, accord with the town centres first principle outlined in national planning policy and elsewhere in this Plan, unless:

- i. the proposal is accessible to the community it proposes to serve by means other than the private car; or*
- ii. there is a need to enhance an existing facility or provide a new facility that has specific locational requirements, outside of the urban area.”*

Policy HS6 – Creating Healthy Communities

1. What is the basis for the policy? What is it seeking to achieve?

- a) The policy is based on the ambition to provide high quality, well designed new development and with it an appropriate range of services and infrastructure necessary to enable the creation of healthy communities.
- b) The policy sets out a series of important requirements that development proposals should seek to achieve in order to deliver health benefits to the community.

2. How does the policy relate to the evidence base?

- a) The policy has referred to Health Impact Assessment of the Local Plan undertaken by Public Health Warwickshire (this document was submitted as a representation to the Local Plan by Warwickshire County Council – (Monica Fogarty) (12790)

3. Is the policy sufficiently clear? Will it provide sufficient guidance for decision making?

- a) The policy criterion stipulate what elements are required to be considered and addressed in development proposals in order to deliver health benefits. Fundamentally, proposals will have to be well located to existing, or provide new green and social infrastructure in order to meet the requirements of this policy.

4. How will the policy be implemented? Is this clear?

- a) The policy will be implemented through the development management process. Planning applications will be assessed against the criteria to ensure that the requirements itemised have been considered appropriately in the design process.

5. How does the policy relate to national policy? How is it consistent? Are there any inconsistencies?

- a) The policy relates to the NPPF and the core planning principles (paragraph17) that refer to the need *'to take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs'*.
- b) Section 8 of the NPPF (promoting healthy communities) is also relevant. The aims and requirements of the policy are considered consistent with this facet of National Policy.

6. In overall terms is the policy justified, effective and consistent with national policy?

- a) The policy is considered justified as it addresses the requirements of national policy and it is consistent with it.
- b) The policy has been subject to proposed modifications made to the publication draft (see LP21) and sets out the following proposed modifications:-

The following sentence was added to the end of Policy HS6:

“Guidance on meeting this policy will be expanded upon through the preparation of a Health Impact Supplementary Planning Document”.

- c) This was deemed necessary to clarify a commitment to undertake an SPD on health impacts and to respond to a representation from Warwickshire County Council (Monica Fogarty 12790)

Policy HS7 – Crime Prevention.

1. What is the basis for the policy? What is it seeking to achieve?

- a) Providing developments and communities where people feel safe from crime and disorder and the fear of crime is an important aspect that can be influenced and assisted by the application of specific design principles.
- b) The policy sets out a range of criteria that development proposals should address in order to minimise the potential for crime and anti-social behaviour and improve community safety. The policy also stipulates a requirement to provide for new or expanded emergency services.

2. How does the policy relate to the evidence base?

- a) The policy does not refer directly to the evidence base. It does take account of representations made to the Local plan and in particular submission made on behalf of Warwickshire Police (see rep 66648). These representations set out the case for including a policy on crime prevention and the need to design out crime.

3. Is the policy sufficiently clear? Will it provide sufficient guidance for decision making?

- a) The policy defines an appropriate range of design criteria that will require consideration in the design of development in order to minimise instances of crime and anti- social behaviour.

4. How will the policy be implemented? Is this clear?

- a) The policy will expect development proposals to be formulated with reference to the design specific criteria as set out. Importantly it also sets out the requirement to enable financial contributions to be sought for emergency service infrastructure

5. How does the policy relate to national policy? How is it consistent? Are there any inconsistencies?

- a) The NPPF (paragraph 58) requires Local Plans to aim to ensure that developments ‘create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion’. Policy HS7 is in alignment with this objective.

6. In overall terms is the policy justified, effective and consistent with national policy?

a) The policy is considered justified in helping to create safe communities and is consistent with the NPPF (paragraph 58 see above).

b) The policy has been subject to proposed modifications made to the Publication Draft (see LP21). These modifications are proposed to address representations made by Warwickshire and West Mercia Police (rep no. 66648). The modifications propose to amend policy as follows:

“Developments will be encouraged to minimise the potential for crime and anti-social behaviour and improve community safety. Development proposals will be expected to demonstrate they:

a) have adopted Secured by Design standards and principles such as by:

- orientating and designing buildings to enable natural surveillance of public spaces and parking areas;*
- defining private, public and communal spaces;*
- creating a sense of ownership of the local environment; and*
- making provision for appropriate measures such as lighting, landscaping and fencing, as an integral part of the development.*

b) have provided new or expanded emergency services infrastructure where this is required.”

Policy HS8 – Protecting Community Facilities

7. What is the basis for the policy? What is it seeking to achieve?

a) It is important that localities have good access to a range of community facilities, particularly those that they need to use on a day to day basis. The intention of this policy is to protect the loss of such facilities from development unless compliance with stringent criteria can be proven.

8. How does the policy relate to the evidence base?

a) There is no specific relation to the evidence base, however the policy seeks to guard against the unnecessary loss of valued facilities and services particularly where this would reduce the community’s ability to meet its day-to-day needs.

9. Is the policy sufficiently clear? Will it provide sufficient guidance for decision making?

a) The policy is considered to be suitably clear, as a range of tests are required to be met before any approval of proposals to redevelop or change the use of community facilities is permitted.

10. How will the policy be implemented? Is this clear?

- a) The policy will be implemented through the development management process. The explanation accompanying the policy defines the community services that the policy seeks to protect and also the requirement for proposals to submit evidence to demonstrate compliance with the policy.

11. How does the policy relate to national policy? How is it consistent? Are there any inconsistencies?

- a) The delivery of sufficient community and cultural facilities and services to meet local needs is set out in the Core Planning Principles (paragraph 17 of the NPPF). The protection of community facilities to ensure appropriate levels of access to services and facilities is considered consistent with this core principle.

12. In overall terms is the policy justified, effective and consistent with national policy?

- a) The policy is considered justified for the benefits it will provide at the local level for the communities of Warwick District subject to the proposed modifications set out below..
- b) The Explanatory text of the policy has been subject to proposed modifications made to the Publication Draft (see LP21). These modifications are proposed in response to a representation made by The Theatres Trust (rep 66758). The proposed modifications are:

Amend para 5.90 to read:

“For the purposes of these policies, the reference to community facilities includes a wide range of uses within Use Class D1 such as places of worship, dental and medical surgeries, community halls, local education facilities, crèches and nurseries for the care of children as well as local cultural facilities, local convenience stores (under 500spm gross floorspace), and public houses where there is no alternative provision within the community. In exceptional circumstances, the Council may apply this policy to other facilities that meet a community need where the grant of permission would result in a demonstrable shortfall in the locality.”