

TO: Environment Overview and Scrutiny Committee – 7th June 2004

SUBJECT: Review of the Warwick District Local Plan

FROM: Planning and Engineering

1. PURPOSE OF REPORT

To give members an update on progress on the Warwick District Local Plan.

2. BACKGROUND

(i) The Local Plan

- 2.1 Members will recall that the first draft Warwick District Local Plan was approved by the Council in October 2003. In November 2003 the draft local plan was given a statement of general conformity by Warwickshire County Council and placed on deposit for public comment between 12th December and 23rd January 2004.
- 2.2 During the deposit period a large number of objections to the local plan were received and in April a briefing note was sent to all councillors outlining some of the main issues raised by the objections. A copy of this note is attached as appendix A.
- 2.3 Officers in the Local Plan team are currently analysing the objections to the local plan with a view to bringing a revised draft of the local plan back before the Executive for consideration in September 2004 (as outlined in the timetable at paragraph 4.4 in appendix A below). It should be noted that due to extraordinary resource pressures, notably from the work that has been required to be undertaken to deal with the planning application and enforcement action at Coventry airport, there may be some minor slippage to this timetable. I will keep members informed where this is the case.

(ii) The Planning & Compulsory Purchase Act

- 2.4 Members may be aware that the Government's reform of the planning system, the Planning & Compulsory Purchase Act was finally given Royal Assent in May. This Act signifies major changes to the town and country planning system and will have widespread implications for the role of this Council as a local planning authority. I would ask members to note the report going to the Executive on 14th June that sets out the major new elements that the Act introduces and the procedural changes that will be required as a result of this.
- 2.5 In relation to the work on the local plan, the advent of the Act and the replacement of local plans with "Local Development Frameworks" will not mean that work will cease on this local plan. The Government has put in place transitional arrangements to ensure that the current round of local plans (including our own) can complete the legal process taking them through to become adopted plans. Once this has happened, the local plan will then be "saved" for minimum three year period after which we will be required to have in place Development Planning Documents prepared under the new legislation. In practice this means that in Warwick District we are unlikely to adopt any

Development Planning Documents to replace the new local plan before 2009 at the earliest.

3. **OUTCOME REQUIRED**

3.1 That the report be noted.

BACKGROUND PAPERS

REPORT TO EXECUTIVE ON WARWICK DISTRICT LOCAL PLAN, SEPTEMBER 2003

WARWICK DISTRICT LOCAL PLAN – DEPOSIT DRAFT 2003

REPORT TO EXECUTIVE ON PLANNING & COMPULSORY PURCHASE ACT, 14TH JUNE 2004

PLANNING & COMPULSORY PURCHASE ACT 2004

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Areas in District Affected: All

1. INTRODUCTION

1.1 The purpose of this briefing note is to brief all members on:-

- The steps taken to place the Warwick District Local Plan on deposit for public comment at the end of last year and to engage with the public as we sought comments on it.
- The number of comments made on the local plan, and the main areas they cover,
- How these comments will be assessed and what will happen next.

2. PLACING THE LOCAL PLAN ON DEPOSIT

2.1 As members will be aware, the First Deposit Version of the local plan was approved by the Council on 29th October 2003 and subsequently placed “on deposit” for public comment. Placing a local plan “on deposit” is a formal process of public participation that is closely regulated by Government and the Council was required to follow a number of well laid down procedures. This included placing formal notices in local papers and the London Gazette, making the local plan available at the Council offices and a number of other “deposit” points (including all libraries in the district, all Council shops and the Regeneration office), and sending a copy to Government via the Government Office for the West Midlands. In addition to this, we undertook to publicise the local plan as follows:-

- Free copies were sent to all parish and town councils as well as over 80 consultee bodies,
- Letters were sent to over 200 further interested parties informing them about the local plan deposit,
- Invitations were sent to parish and town councils offering meetings to discuss the local plan during the deposit period.
- An interactive web version of the local plan was prepared and placed on the Council web site. During the deposit period 648 people visited this part of the web site and viewed the local plan.

2.2 Government regulations make two other important requirements regarding the deposit period:-

- a) Those wishing to make comments must do so within a prescribed six-week period. Comments not made within the prescribed period do not have the same status as those made during the deposit period.
- b) Any comments submitted must be clear as to what it is about the local plan that they object and must clearly state how they would wish the local plan to be amended. We prepared a comment form to assist this process.

2.3 These two points are important because any comments that are received after the end of the deposit period, and any that cannot be clearly related to the local plan can be considered as “not duly made”. Where comments are deemed “not duly made” they carry less weight than “duly made” comments, and the Council can request at a future local plan inquiry that are not considered by the inspector.

2.4 The local plan was placed on deposit between 12th December 2003 and 23rd January 2004. During and before this time, we held a seminar for all parish and town councils and then did presentations to a number of interested organisations:-

- Barford, Sherbourne and Wasperton Joint Parish Council
- Bishops Tachbrook Parish Council

- Bubbenhall Parish Council
- Conservation Area Advisory Forum
- Coventry & Warwickshire Chamber of Commerce
- Cubbington Parish Council
- Kenilworth Town Council
- Leamington Town Centre Steering Group
- Leamington Town Council
- Warwick Economic & Community Development committee
- Warwick Gates Residents' Association
- Whitnash Town Council

2.5 Further meetings were held with a range of individual groups and organisations at our offices to assist those wishing to make comments.

3. THE CONSULTATION RESPONSE

3.1 At the end of the deposit period, we had received a total of **1399** comments from **304** individuals, organisations and agencies. Of these, **1122** were objections and **277** (20%) supporting comments. It should be noted that any comment was deemed an objection if the person commenting wished it to be changed in any way. Many of our policies were broadly supported by a number of people, however they wished to suggest minor changes to them. All these have been recorded as objections.

3.2 It should be noted at the outset that the number of objections was lower than anticipated and less than neighbouring authorities with their local plans. Also, the number of supporting comments is encouraging as it is higher than expected and will help give support to the local plan policies as we take the Plan forward.

3.3 All representations made on the local plan are in the public domain. We have made a full set of all objections available for the public to view at Riverside House.

3.4 The following paragraphs seek to give an overview of the comments received. They focus on the main issues raised by objectors, but also firstly on the comments of two key consultees, the Government Office for the West Midlands and the County Council.

The comments from Government Office for the West Midlands

3.5 It is the policy of the Government Office (GO) to comment on all development plans and their comments take two forms. Firstly there are their formal comments. These are the objections that the GO wishes to make where it believes that the local plan is in contravention of Government policy as set out in legislation and the PPGs. In all cases, the GO would wish these comments to be taken forward to a future public local inquiry for consideration by an inspector; in some of these (but not all), the GO may ultimately “direct” an authority to amend to the local plan to meet their objection. Secondly, the GO makes a number of informal comments by way of a letter. These are not formal objections, but can be taken as a guide to the Government approach to the policy. These comments can be helpful, particularly when an authority comes under pressure to amend a policy by another objector and the Council can point to the comments of the GO which would support its case.

3.6 The GO made 12 objections to the local plan. This is less than the average number they make to a local plan (normally around 20). They made the following general comments about the local plan:-

- We should be commended for placing our local plan on our web site.
- The local plan meets national planning policy in most respects.
- The Plan has been produced to a high standard and in the main its policies are well drafted.

- The Plan is concise compared with many local plans. The criteria based nature of many of the policies has helped simplify the document.

3.7 Specific mention was made of the housing figures in the local plan. Although it was acknowledged that the local plan had received a statement of general conformity from the County Council (see below) the Council was advised to continue to closely monitor the rate of house building in the district to ensure that rates are kept broadly in line with strategic planning targets.

3.8 Specific objections they made were as follows:-

Policy	Objection
DP5 (Densities)	Policy should set out that residential densities below 30/hectare should be avoided and state where higher densities would be appropriate.
DP8 (Parking)	Maximum levels of parking should be included within Plan as required by PPG13.
SC2 (Protecting employment land and buildings)	Policy should incorporate the view in proposed changes to PPG3 that a convincing case needs to be made before employment land is retained.
SC6 (Protecting sports and recreation facilities)	Policy could allow for the loss of a sports or recreation facility for which there is a need contrary to PPG17.
SC9 (affordable housing)	The thresholds set are below those in circular 6/98.
RAP6 (Housing for rural workers)	Need to clarify whether policy is for all rural workers or just farm workers. Final clause of policy may be unnecessary.
Omission of a policy	There is not policy to cover development on "best and most versatile" farm land.
DAP3 (Special Landscape Areas)	These should be given less weight than national designations (such as Green Belt). Draft PPS7 states that local countryside designations are in appropriate and should be deleted.
DAP4 (Protecting Nature Conservation and geology)	The policy should be amended to take account of the relative significance of national and local designations.
DAP5 (Trees, woodland and hedgerows)	Part of this policy is unnecessary as trees on conservation areas and TPO trees are covered by other legislation.
DAP7 (Change of use of listed buildings)	PPG15 considered that the same provisions on change of use should apply to historic buildings as to other buildings and the policy is therefore unnecessary.
DAP13 (protecting historic parks and	The policy should only apply to those parks and gardens on the English Heritage register.

gardens)

Warwickshire County Council

- 3.9 Before the local plan was placed on deposit, the Council was required to give Warwickshire County Council 28 days to consider the plan and indicate whether it is in “general conformity” with the adopted Warwickshire Structure Plan. The Cabinet at the County Council met on 20 November and formally approved the local plan as being in general conformity.
- 3.10 Notwithstanding this, Warwickshire County Council made a number of detailed objections to the local plan and these will be considered alongside others as the local plan is taken forward. One of these in particular relates to the site identified by the local plan for a “Park & Ride” facility to serve Warwick and Leamington. The County Council has objected to the allocated site, and has submitted evidence to support the identification of an alternative site at Greys Mallory.

An overview of the comments received

- 3.11 Providing an overview of objections is of limited value, since it gives little indication of the strength and diversity of the comments received. Nevertheless, it does give some indication of where the interest of the objectors lies. In terms of who commented on the local plan, this can be broken down as follows.

	<i>No. of objectors/ supporters</i>
Local businesses	26
Statutory consultees	39
Parish and Town Councils	15
Interest groups	25
Members of the public	159
Developers/landowners	32
Others	8
TOTAL	304

- 3.12 If we look at how many objections were received to each chapter of the local plan, the following can be seen:-

<i>Chapter/Section</i>	<i>No. of comments</i>
Introduction	13
User guide (chapter 2)	6
Core strategy (chapter 3)	88
Development Policies	216
Sustaining Communities	231
Urban Area Policies	105
Town centre policies	95
Rural Area policies	181
Designated Area policies	145
Site Specific policies	202
Appendix and glossary	32
Inset maps	25
Proposals maps	60
TOTAL	1399

- 3.13 It should be noted that at least 1 objection was received to every policy except UAP5 (local shops) and DAP8 (Upper Floors within Listed Buildings and conservation areas). Perhaps not surprisingly, certain policies and issues generated a much larger number of comments than

others. The following are those that received 20 or more comments.

<i>Policy/topic</i>	<i>No. of obj.</i>	<i>Comment</i>
Site specific omissions policies	87	This topic covers all those people that asked that an additional site specific policy be included within the local plan. Although many of these were for individual sites that objectors wished to see allocated for development, 36 of them related to a request for the extension of the navigable part of the Upper Avon, and a further 16 were related to a specific issue in Sydenham (see below).
UAP1 (Directing new housing – urban areas)	47	19 of these comments related specifically to the issue of the pressure from developers to demolish housing within the urban areas (and north Leamington in particular) and replace these with higher density housing.
SC9 (affordable housing)	44	This policy prompted many objections from house builders and landowners, but also from other organisations that consider that the policy departs from circular 6/98.
RAP2 (Directing new housing – rural areas)	43	A wide range of comments were made to this policy but there was a widespread feeling that the policy is too restrictive towards market housing.
DAP10 (protection of conservation areas)	24	13 of the objections to this policy were from people seeking to resist the pressure from developers to demolish housing within the urban areas (and north Leamington in particular) and replace these with higher density housing. Other considered that the policy should give stronger protection to conservation areas or that other areas should be given conservation area status.
DP5 (Density)	23	Many people considered that the policy was too supportive towards higher density housing, however others criticised the policy for not being supportive enough.
DP1 (Layout & Design)	21	A number of detailed comments were made to this policy. It should be noted that this policy received 9 supporting comments (only three policies received more support than this).
RAP5 (rural affordable housing)	21	There were mixed views about this policy. Some local people felt that the policy should only be applied within villages, however others felt that the policy was overly prescriptive.
SS7 (Coventry airport)	20	Many of the objections to this policy relate to the current planning application and to the Government White paper.
Proposals	20	These comments were mainly concerned with detailed

map 2
(Leamington
and Warwick
inset map)

boundaries that objectors considered should be moved. Particular targets were Green Belt and Area of Restraint boundaries. A number of these objections followed on from objections elsewhere in the local plan for land to be allocated for development.

- 3.14 Although many of the objections came from landowners and developers wishing to promote specific sites for development (see below), a number of particular issues of concern to local people became evident through objections. The following were those issues that received the most representations.

Housing in North Leamington

- 3.15 A large number of people used the local plan as an opportunity to raise concerns about the current trend for developers to purchase large houses with large gardens in the district (particularly north Leamington) and then to seek planning permission for their demolition and replacement with housing at a much higher density. This generated objections to policy DP1, DP5, UAP1 and DAP10.

Sydenham industrial Estate

- 3.16 Concern from local residents over a planning application from Stairways to extend their building coincided with the depositing of the local plan. A total of 16 local residents have asked that the range of future uses on the Sydenham industrial Estate be restricted to only permit those within use class B1 as opposed to the B2 and B8 uses that are currently also allowed on the site.

Telecommunications masts

- 3.17 During the deposit period, there were rumours that a mobile phone operator would be seeking to erect a telecommunications mast on a site in north Leamington. This prompted a flurry of objections to policy SC8 (17 in total), many of which considered that the policy placed too much emphasis on environmental safeguards and insufficient concern to protecting human health.

Navigation on the Upper River Avon

- 3.18 One of the biggest single issues to generate comments was over the absence of any policy to support the opening up of the Upper reaches of the River Avon to boats. The Upper Avon Navigation Trust submitted detailed proposals for how this could be achieved, and support came in from a number of individuals and other inland waterways bodies. A total of 36 comments were received on this issue.

Crackley triangle

- 3.19 The decision to include the "Crackley triangle" north of Kenilworth within the Green Belt was widely supported by residents with 16 representations received.

4. WHAT HAPPENS NEXT?

- 4.1 It will be for the Council to decide whether the local plan should be amended to take account of any of the objections received. The Inspector at the forthcoming local plan inquiry will consider any objections that are not subsequently withdrawn.
- 4.2 It is the job of officers now to go through all of the objections and consider whether the local plan could and should be amended. We are strongly advised by Government to seek to resolve objections where we can do so. This can help broaden the basis of support for the local plan, but also it reduces the number of objections that will need to be subsequently considered at the public inquiry – saving the Council both time and money. Amendments to the local plan should only be countenanced however, where they would not bring the local plan into conflict with Government planning policy or with strategic planning policy as set out in the Structure Plan. Furthermore, we should seek to avoid amendments that undermine the overall strategy of the local plan or run counter to other objectives the local plan is seeking to pursue.

- 4.3 In accordance with our agreed work programme, officers will spend the next few months undertaking this work. We will prepare a response to all objections and will make recommendations to amend the local plan where appropriate. These will be fully discussed by the Development Plans Working Party before a report is brought before the Executive and then Full Council for approval.
- 4.4 In terms of a timetable for this work, the programme set out when the draft local plan was taken to Executive in September last year was as follows:-

Stage	Timetable	Comments
Request formal statement from Warwickshire County Council that the local plan conforms with Warwickshire Structure Plan.	October 2003	By law we must allow them 28 days to give us their views.
Place Local Plan on deposit for public comment	November/December – January 2004	This is a statutory six week period however we would wish to make the local plan available before it goes on deposit to allow the public and interested parties to view it.
Consideration of representations received on the local plan	January – September 2004	Experience from other authorities indicates that we should allow up to a year between stages 2 and 6.
Place amended local plan (including any changes received from objectors) before the Council for approval	September 2004	
Request formal statement from County Council that the local plan amendments conforms with Warwickshire Structure Plan.	October 2004	See stage 1
Place revised draft Local Plan on deposit for public comment	November/December – January 2005	See stage 2. At this stage, it is only the changes to the local plan that are available for comment, not any parts of the local plan that have not been changed since the first draft.
Public Inquiry	Autumn 2005	The scope and length of this will be entirely dependent upon the number and nature of objections received to the local plan.

- 4.5 The Local Plan Team has been affected by resource difficulties, with one officer currently on maternity leave whilst another has been heavily involved in dealing with the issues raised by the planning application from Coventry airport. Nevertheless, in view of the fact that the local plan received fewer objections than anticipated, we would hope to be able to bring a second deposit draft back to the Council in line with this timetable.
- 4.6 In view of these ongoing resource difficulties, I will keep members informed should the timetable be affected.

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