

 <b>Council</b> <b>28<sup>th</sup> January 2015</b>		<b>Agenda Item No. 13</b>
<b>Title</b>	<b>Local Plan Submission Draft</b>	
<b>For further information about this report please contact</b>	Dave Barber	
<b>Wards of the District directly affected</b>	All	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	No If yes state why	
<b>Date and meeting when issue was last considered and relevant minute number</b>	23 <sup>rd</sup> April 2014	
<b>Background Papers</b>	Publication Draft Local Plan Report of Public Consultation	

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	Yes
<b>Included within the Forward Plan? (If yes include reference number)</b>	Yes/No
<b>Equality Impact Assessment Undertaken</b>	Yes

<b>Officer/Councillor Approval</b>		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Chief Executive/Deputy Chief Executive		
Head of Service		
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)		
<b>Consultation &amp; Community Engagement</b>		
<p>A six week consultation period on the Publication Draft was undertaken in May and June 2014. A focussed change consultation was undertaken in November and December 2014. The reports from these consultations have been published and can be viewed here: <a href="http://www.warwickdc.gov.uk/newlocalplan">http://www.warwickdc.gov.uk/newlocalplan</a>.</p>		
<b>Final Decision?</b>	Yes	
<b>Suggested next steps (if not final decision please set out below)</b>		

## 1. **Summary**

- 1.1 This report seeks approval from Full Council to submit the draft Local Plan and associated documents, to the Secretary of State to commence the Local Plan Examination in Public process.
- 1.2 The report also seeks approval from Executive for the following:
  - to publish the Community Infrastructure Levy Draft Charging Schedule for consultation
  - to update the Local Development Scheme
  - to ensure sufficient funding is in place for the Examination in Public process

## 2. **Recommendations**

### **Council is recommended to resolve as follows:**

- 2.1 That in accordance with section 20 of the Planning and Compulsory Purchase Act 2004, the Publication Draft Local Plan and Policies Map is submitted to the Secretary of State for independent examination along with the table of proposed amendments shown in **Appendix 1**, the Infrastructure Delivery Plan (shown in **Appendix 2**) and all other documents and information as required by the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 2.2 That the Head of Development Services, where necessary in consultation with the Deputy Leader, be authorised to take any steps which she considers to be expedient for the purpose of implementing recommendation 2.1 or promoting the objectives and interests of the Council at the independent examination.
- 2.3 That the Council endorses the report approved by the Coventry and Warwickshire Joint Committee for Economic Growth and Prosperity on 21st November 2014 and shown in **Appendix 3**

### **Executive is recommended to resolve as follows:**

- 2.4 That the Community Infrastructure Levy (CIL) Draft Charging Schedule shown in **Appendix 4** is approved for publication under Regulation 16 of the CIL Regulations 2010 and is subject to a four week period of consultation starting not later than 25<sup>th</sup> February 2015.
- 2.5 That the Head of Development, in consultation with the Deputy Leader, be asked to consider the representations made within the consultation period and as part of this to consider whether any amendments to the Draft Schedule are needed. In the event that in her view no, or only minor, amendments to the Draft Charging Schedule are needed, the authority to submit the CIL Draft Charging Schedule (with any such amendments) and associated submission documents, along with a Draft Regulation 123 list of infrastructure to be funded from CIL, to the Secretary of State in accordance with section 212 of the Planning Act

2008 is delegated to the Chief Executive in consultation with Group Leaders and the Deputy Leader. Where more than "minor amendments" are proposed, a further report will be brought to Executive prior to submission of the Charging Schedule.

- 2.6 That the Head of Development Services, where necessary in consultation with the Deputy Leader be authorised to take any steps which she considers to be expedient for the purpose of implementing recommendation 2.5 or promoting the objectives and interests of the Council at the CIL examination.
- 2.7 That the Local Development Scheme is updated to reflect the amendments shown in the table in **Appendix 5**
- 2.8 That an additional sum of £120,000 be set aside from the Planning Appeals Reserve to support the Local Plan Examination in Public process.
- 2.9 That in the event that Compulsory Purchase Order powers may be required to enable the implementation of the Local Plan, officers be authorised to undertake preparatory work prior to seeking formal approval to make a CPO.

### 3. **Reasons for the Recommendation**

- 3.1 **Recommendation 2.1:** The table of amendments has been prepared to accompany the Publication Draft Local Plan agreed in April 2014. It does not supersede this, but does indicate the amendments that the Council wishes to suggest to the Inspector as the Local Plan is examined. This is the normal practice at the submission stage. The Sustainability Appraisal (SA) has been reviewed to take account of the following:
  - the revisions set out in appendix 1
  - the responses to the consultations which relate directly to the SAThe updated SA will be submitted to the Secretary of State alongside the Local Plan.
- 3.2 The Council approved the Publication Draft Local Plan at its meeting on 23<sup>rd</sup> April 2014. This draft was then subject to a 6 week period of consultation under sections 19/20 of the Town and Country Planning Regulations, 2012. In response to this consultation 365 respondents made representations. In total these respondents made 1642 representations of which 329 were in support of policies/proposals and 1313 were objections.
- 3.3 Following the close of the consultation, officers have read and considered all the representations and have prepared responses to them. This work is presented in the Report of Public Consultation which has been published on the Council's website and can be viewed here: <http://www.warwickdc.gov.uk/newlocalplan> . A summary of the key issues arising from this consultation is shown in **Appendix 6**.

- 3.4 The table of amendments shown in **Appendix 1** has been prepared to take account of those representations that officers consider raise issues that could potentially undermine the soundness of the plan or specific proposals/policies contained within it. With some specific exceptions (see para 3.4 below) all these amendments are relatively minor in nature and do not change the overall strategy of the Plan.
- 3.5 One of the representations to the Publication Draft indicated potential for land at Stratford Road, Warwick to be considered for development. Previously this land had not been considered suitable due to the Cordon Sanitaire and concerns about flooding. Following more detailed site assessments, it was considered that this site had the potential to be allocated for employment and as a result a “focused change” consultation was undertaken in November/December 2014. This consultation also provided the opportunity for consultees to review more recently published evidence that had informed the Publication Draft Local Plan (in particular the Joint Employment Land Review and updates to the Strategic Housing Land Availability Assessment).
- 3.6 In response to the focused change consultation 62 respondents made representations. In total these respondents made 127 representations of which 32 were in support of policies/proposals and 95 were objections. As with the Publication Draft consultation, officers have read and considered all the representations and have prepared responses to them. This work is presented in a separate Report of Public Consultation which has been published on the Council’s website and can be viewed here: <http://www.warwickdc.gov.uk/newlocalplan> . The key issues arising from this consultation are included in **Appendix 6**.
- 3.7 The Council should submit the draft Local Plan only if it thinks that it is ready for such examination, that it complies with the requirements of the Planning and Compulsory Purchase Act 2004 and that it has been prepared in compliance with all relevant legal procedures including the Duty to Co-operate. Your officers consider that Council can be satisfied that these requirements are met.
- 3.8 **Recommendation 2.2:** The Examination in Public process will almost certainly require officers to represent the Council at hearings to justify and support the Council’s agreed policy as set out in the Publication Draft (as amended by the Table of Amendments shown in **Appendix 1**). This recommendation authorises the Head of Development Services to carry out all the administrative, procedural and other ancillary work necessary to move the Plan through this next stage, including any additional work on the evidence base and supporting information. In addition, if the Inspector asks the Council to consider further amendments in order to make the Plan sound, it would enable the Head of Development Services (or the officers she delegates responsibility to), in consultation with the Deputy Leader, to work with the Inspector to develop possible further amendments which will help the Inspector reach conclusions on the soundness of the Plan. In considering this recommendation, Members should bear in mind that it would not authorise the Head of Development

to bind the Council to make any new amendments. The Inspector would recommend amendments and the final decision on whether or not to adopt the Local Plan with those amendments at the end of the Examination process will still lie with the Council.

3.9 **Recommendation 2.3:** The Council is required to fulfil the Duty to Cooperate in preparing its Local Plan. This requires a range of activities including preparing a joint evidence base, working with neighbours to consider strategic infrastructure requirements and seeking to reach agreement on strategic matters. Perhaps the most high profile strategic matter is the housing requirement for the Housing Market Area and the distribution of this requirement across the Area. At its meeting on 21<sup>st</sup> November, the Coventry and Warwickshire Joint Committee for Economic Growth and Prosperity considered and unanimously agreed a report which set out a number of key recommendations (see **Appendix 3**):

- Recommendation 1: Reaffirm 4004 dwellings per annum as the Objectively Assessed Need (OAN) for the Coventry and Warwickshire HMA.
- Recommendation 2: In recognition that Coventry City will not be able to accommodate the housing levels indicated in the Joint SHMA Annex (Table 1 above), it agrees the distribution endorsed by the Board on 10th October 2014, to accommodate some of the City's housing need, subject to a robust capacity study being undertaken.
- Recommendation 3: Where, via such a study, any of the Warwickshire Districts can demonstrate that its capacity cannot meet the figure endorsed by the Board on 10th October 2014, the further shortfall will be added to the sub regional additional housing need element.
- Recommendation 4: agree the process and timeline set out in the Table 2 above to ensure delivery of the HMA's full housing need and that the process is commenced prior to the end of November 2014 as set out in the timeline.
- Recommendation 5: agree that each of the six Local Planning Authorities within the HMA seek to formally sign off the recommendations of this report by February 2015.

3.10 The report indicated a housing requirement of 720 dwellings per annum for Warwick District between 2011 and 2031. It also set out a clear commitment and process to address the HMA's additional housing need once this has been established and once the Joint Green Belt Study and other evidence has been agreed. Each of the Council's in the Housing Market Area has, or will be, seeking to formally endorse the recommendations of the EPB report. The timetable for doing this is as follows:

<b>Authority</b>	<b>Date</b>	<b>Process</b>
North Warwickshire	21/1/15	LDF Sub Committee
	10/2/15	Executive Board
Rugby	2/2/15	Cabinet
	10/2/15	Full Council

Coventry	3/3/15	Cabinet
	17/3/15	Council
Stratford	19/1/15	Cabinet
Warwick	28/1/15	Council
Nuneaton and Bedworth	4/2/15	Cabinet

- 3.11 **Recommendation 2.4:** The Council is committed to introducing a CIL Charging Schedule, which in addition to other funding mechanisms, will support the delivery of the infrastructure required to for the level of growth proposed in the Local Plan. The Council consulted on a Preliminary Draft Charging Schedule (PDCS) in June 2013. A summary of the consultation on the PDCS has been prepared, along with responses to the points made (see **Appendix 7**). Since this consultation was undertaken the Council has reviewed the CIL viability study to ensure the viability evidence is up to date (reflecting for instance increased residential sales values and increased build costs). This updated study indicates that the charging rates proposed in the Preliminary Draft Charging Schedule are still valid and that these should form the basis of the Draft Charging Schedule. The Draft Charging Schedule is shown in **Appendix 4**. Please note that these charges will be index linked in accordance with regulation 40 of the 2010 CIL Regulations.
- 3.12 To adopt a CIL Charging Schedule, we need to demonstrate that there is a funding gap which exceeds the likely receipts from other sources. The Regulation 123 list sets out those pieces of infrastructure that could be funded through CIL and thereby provides evidence of the funding gap. It also provides clarity as to which pieces of infrastructure will be funded through CIL and which will be funded through other sources including Section 106 agreements. An initial draft of a potential Regulation 123 for Warwick District is shown in **Appendix 8**. This is drawn from the Infrastructure Delivery Plan (**Appendix 2**). The Regulation 123 List does not need formal approval at this stage, and will be subject to further consideration and change prior to the commencement of the CIL Scheme. Whilst the Regulation 123 list must be submitted with the CIL Charging Schedule to demonstrate a funding gap, it is not formally examined and it remains in the Council's gift to amend this list in the future.
- 3.13 **Recommendation 2.5:** Officers will carefully consider the representations made in relation to the CIL Draft Charging Schedule consultation. As part of this, officers will consider whether any amendments are required to support the soundness of the Draft Charging Schedule. Recommendation 2.5 seeks to delegate responsibility for considering the need to make amendments to the Head of Development Services, in consultation with the Deputy Leader.
- 3.14 The recommendation also seeks to delegate authority to submit the Charging Schedule to the Secretary of State to the Chief Executive in

consultation with the Group Leaders and Deputy Leader in the event that the consultation results in no (or only minor) amendments. In the event that more significant amendments are required as a result of the consultation, a further report will be brought to Executive.

- 3.15 **Recommendation 2.6:** the reasons set out with regard to the Local Plan in paragraph 3.8 also apply to the recommendation 2.6 with regard to the CIL Examination.
- 3.16 **Recommendation 2.7:** The Council is required to publish a Local Development Scheme setting out its intended schedule for producing Development Plan Documents. The tables in **appendix 5** set out the proposed amendments to the Local Development Scheme.
- 3.17 **Recommendation 2.8:** The costs of the Examination in Public process are expected to be substantial to cover the costs of the Inspector's time, the Programme Officer and other costs such as venues, and expenses. Typically an Examination in Public for a comprehensive Local Plan such as ours can cost in the region on £120,000 to £150,000, with the Inspector's time being the largest proportion of the cost.
- 3.18 Previously, Council has agreed a budget for the Local Plan including the Examination in Public process (Executive report December 2010 and June 2013). However, the costs of preparing the Plan have been higher than anticipated at that time due to the need to undertake further work in relation to the following:
- a) Assessment of the Stratford Road Employment Sites
  - b) Detailed assessments of a range of Gypsy and Traveller sites including for instance odour assessments, noise assessments and landscape assessments
  - c) The Joint SHMA Addendum
  - d) The Joint Green Belt Study
  - e) Further transport studies, particularly relating to sustainable modes of transport and the cumulative impacts of all the sites to the south of Warwick
  - f) Ongoing updates to the sustainability appraisal
  - g) Further consultations Stratford Road employment site, Gypsy and Traveller sites)
  - h) Review of CIL and other viability issues
  - i) Land valuations
- 3.19 The additional budget set out in recommendation 2.6 will be added to the balance of the existing Local Plan Budget to give a total of £150,000. This is expected to be adequate to cover the costs of both the Local Plan examination and the CIL Examination. The balance on the Planning Reserve will be reviewed within the Budget Report to February 2015 Executive to ensure it is sufficient to enable it to fund anticipated liabilities.
- 3.20 **Recommendation 2.9:** There may be some circumstances where the use of Compulsory Purchase Orders is necessary in order to ensure the

delivery of essential aspects of the Local Plan. In these cases, the preferred approach is to seek resolution through agreement with current landowners. However, should this prove not to be possible, CPO may be necessary, for instance to help deliver allocated sites in the Kenilworth area. This recommendation seeks authorisation for officers to undertake preparatory work for CPO in these circumstances. Further authorisation will be required to formally make a CPO.

#### 4. **Policy Framework**

4.1 **Policy Framework** – 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 has been prepared to align with the Sustainable Community Strategy (SCS) and specifically addresses each of the five themes of the SCS. It supports the Council's overarching vision of ensuring that Warwick District is and continues to be a great place to live, work and visit.

4.3 **Impact Assessments** : During the preparation of the Local Plan an Equalities Impact Assessment was undertaken. This looked at a wide range of potential impacts and concluded that three areas needed to be focussed on in addressing potential negative impacts: consultation; housing mix/affordable housing and Gypsies and Travellers. The preparation of the Plan has addressed these three issues, with further extensive consultations in line with the Statement of Community Involvement; a clear and strong approach to affordable housing (see policy H2) and housing mix (see Policies H4, H5 and H6); and ongoing work to identify suitable site for provide for the accommodation needs of Gypsies and Travellers (see policies H7 and H8).

#### 5. **Budgetary Framework**

5.1 The next stage of the Local Plan process will be to submit the document to the Secretary of State to commence the Examination in Public process. This will take place over a number of months and will include public hearing sessions. The cost of this process is likely to be in excess of £100K plus the costs of the CIL Charging Schedule Examination. Recommendation 2.8 and paragraphs 3.17-3.19 set out the proposed budgetary arrangements for this. This funding is intended to come from the Planning Reserve, the balance of which will be reviewed within the Budget Report to February 2015 Executive to ensure it is sufficient to enable it to fund anticipated liabilities.

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 whilst in operation, the New Homes Bonus.



5.3 In addition, the ability of the Plan to create growth in general will deliver will provide significant direct and indirect benefits in line with the aims of 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 (including for instance schools, community facilities, transport and green infrastructure), 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.

6.3 There remains a number of significant risks to the smooth progression of the Local Plan. The areas of highest risk are:

- The impact of the Coventry and Warwickshire Gateway application decision: in the event that the application is refused prior to submission, the Council is committed to reviewing the evidence base associated with Policy DS16 (sub-regional employment site) to consider whether the reasons for refusal affect this proposal. In the event that the application is refused after a resolution to submit the Local Plan, it is likely that the Local Plan inspector will seek to review the implications of the decision.
- Duty to Cooperate: At this point in time the DTC process across the housing market area is delivering effective and clear outcomes and in terms of the WDC's Local Plan, the Duty is discharged at the point of submission. However, the DTC process is inevitably an ongoing process in the context of future Plan reviews and is therefore, by its nature, vulnerable to change.
- Gypsy and Traveller Site Allocations: As the Local Plan includes a clear policy Framework for providing for gypsy and traveller sites (see policies H7 and H8) it is considered reasonable and pragmatic to submit the Plan without the G&T Site Allocations Plan having been completed. However, the Council will still need to demonstrate its continued commitment to identify suitable sites and to bring forward the G&T Site Allocations Plan as soon as possible and preferably in advance of the Examination hearings.

## **7. Alternative Option(s) considered**

7.1 Recommendation 2.1: The Council could choose not to submit the Local Plan at this stage. However there would be significant implications

associated with this, notably a reduction in the weight that could be placed on the proposals and policies contained within the emerging Plan. This would in turn have consequences for the framework for determining planning applications and for defending appeals (such as the Asps). It would also prolong the period during which the Council cannot claim to have a 5 year supply of housing land, rendering some of the policies within the extant Local Plan out of date.

- 7.2 Recommendation 2.2: the Council could choose to delegate this responsibility to an alternative officer. However, it is a role for a professional planner and the Head of Development Services is considered best placed to undertake this work. The recommendation also indicates that this should be done in consultation with the Deputy Leader, who is the Lead Member for the Local Plan. Whilst it would be possible to delegate this to another member's role, this does not seem appropriate in light of the Deputy Leader's responsibilities for the Local Plan. The Council could also choose to ensure that reports are brought to members whenever even minor changes are being contemplated. However, this would be a cumbersome process and could result in significant delays in the Examination process. It is also considered that this is not necessary since members retain the final decision on whether the Plan should be adopted or not.
- 7.3 Recommendation 2.3: The Council could choose not to support the report agreed by the EPB on 21st November 2014. However, this would significantly undermine the Duty to Cooperate and would isolate Warwick District Council in the sub-region in terms of how it is addressing the housing requirement. In this context it would not be a surprise if the Local Plan Inspector decided not to progress the Examination process until Duty to Cooperate has been more effectively addressed.
- 7.4 Recommendations 2.4 and 2.5: the Executive could choose not to pursue a CIL Charging Schedule or could choose to delay the consultation process on the Draft Charging Schedule. The former course of action would undermine the options the Council has to providing the funding needed to deliver the Infrastructure Delivery Plan. The latter course of action would increase the period of time during which CIL would not be available to support the Local Plan and thereby limiting infrastructure funding options. This is particularly important in the context of the CIL regulations which prohibit the pooling of more than 5 Section 106 contributions after 1<sup>st</sup> April 2015.
- 7.5 Recommendation 2.6: There are no alternative options as the Local Development Scheme needs to reflect the Council's intentions in terms of preparing planning documents.
- 7.6 Recommendation 2.7: the Local Plan Examination is an expensive process, so unless the Council chooses not to submit the Local Plan, a significant sum is required. The Executive could choose to agree a lower amount, however experience from elsewhere suggests that the amount being requested is reasonable and should the whole sum not be spent,

the remaining balance can be returned the Planning Appeals reserve anyway.

## 8. Background

8.1 **Note on 5 Year Supply of Housing Land:** 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 current shortfall of housing land. At April 2014 the calculated position with regard to the 5 year supply of housing indicated that the District had a 3.6 year supply of housing land. Since then a number of factors have changed, including the granting of a significant number of planning permissions for housing. A review undertaken in November 2014 indicated that the District had a 4.5 year housing land supply. A further review of this will be undertaken in February 2015 and it is expected that this will show further improvements.

8.2 Depending on the decisions made regarding a number of current and expected planning applications, it is anticipated that we may have a 5 year supply by April 2015. However, even if this is achieved in April 2015, further sites will need to be brought forward to the supply to maintain a 5 year supply. The adoption of the Local Plan is a vital element of this, because at present it is not possible to include the vast majority of the green belt allocations within the supply. Once the Plan is adopted, these can reasonably be included and can provide the flexibility needed to enable the 5 year supply to be more easily maintained.

8.3 Further, it should also be noted that as the Plan progresses more weight can be given to some of the proposals within it. So, once the Plan is submitted a small number of additional sites may be considered to be available within 5 years and this will increase the likelihood of achieving a 5 year supply by April 2015.

### 8.4 Update on Gypsy and Traveller Sites

In August 2014, Council agreed a report which identified 3 sites to deliver the requirement to provide for 31 permanent pitches, in addition to some transit pitches. These sites were:

Ref	Location	Type of site	Site Area	Number of pitches	Within first five years	Post five years
Site A (GT04) <sup>1</sup>	Harbury Lane	Permanent	2.4ha	15	9	6
Site B	Stratford Road	Permanent	Location to be identified within wider area	15	15	0
Site C (GT15)	Europa Way	Permanent	1.6ha	1	1	0
Site C (GT15)	Europa Way	Transit	1.6ha	6	6 transit	2 transit (if required)

<sup>1</sup> This is dependent upon a new, suitable site being found for the football club

8.5 Since that time, a consultation (ending on 12<sup>th</sup> December 2014) has been undertaken with regard to a specific site at Stratford Road, Warwick. At this stage the consultation responses have not been analysed and this report does not seek to make any specific recommendations regarding the Stratford Road site. However it is recognised that it is important to bring forward a report on this as soon as possible to provide greater clarity for all the stakeholders and to enable progress to be made as quickly as possible on the Gypsy and Travellers Site Allocations DPD. With this in mind, it is intended to report on the key findings of Stratford Road site consultation in February or March. At the same time, work will get underway to, once again, consider alternative ways to meet the District's pitch requirement, so that a comprehensive report on G&T allocations can be brought to Council and/or Executive in the Spring of 2015.

## **Appendices**

- Appendix 1: Table of amendments to the Publication Draft Local Plan and amendments to the Policies Map
- Appendix 2: Draft Infrastructure Delivery Plan (including Appendix B Transport Corridor Strategy)
- Appendix 3: Report to Coventry and Warwickshire Joint Committee for Economic Growth and Prosperity, 21<sup>st</sup> November 2014
- Appendix 4: Community Infrastructure Levy Charging Schedule
- Appendix 5: Amendments to the Local Development Scheme
- Appendix 6: Summary of Key Issues arising from the Publication Draft Consultation
- Appendix 7: CIL Preliminary Draft Charging Schedule Consultation – Issues and Responses
- Appendix 8: Initial Draft CIL Regulation 123 List