

 <b>Council</b> <b>20<sup>th</sup> September 2017</b>		<b>Agenda Item No.</b> <b>11</b>
<b>Title</b>	Local Plan Adoption	
<b>For further information about this report please contact</b>	Dave Barber <a href="mailto:dave.barber@warwickdc.gov.uk">dave.barber@warwickdc.gov.uk</a> 01926 456065	
<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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?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	
<b>Date and meeting when issue was last considered and relevant minute number</b>	24 <sup>th</sup> February 2016	
<b>Background Papers</b>	Inspector's Report	

<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
<b>Equality Impact Assessment Undertaken</b>	No
Not relevant at this stage.	

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	7/9/17	Chris Elliott
Head of Service	6/9/17	Tracy Darke
CMT	7/9/17	Bill Hunt
Section 151 Officer	7/9/17	Mike Snow
Monitoring Officer		Andy Jones
Finance	7/9/17	Mike Snow
Portfolio Holder(s)	7/9/17	Cllr Alan Rhead
Consultation & Community Engagement		
The Local Plan has been subject to a number of consultations both during its preparation and during the Examination. The most recent consultation was undertaken in Spring 2017 and concerned the Inspector’s proposed Main Modifications. The Inspector has given consideration to representations made during the consultation in preparing his final report.		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		
N/A		

## 1. **Summary**

- 1.1 This report seeks agreement from the Council to adopt the Local Plan 2011 – 2029, subject to the Main Modifications put forward by the Inspector in his report (see Appendix 2) and encompassing a number of minor modifications set out in Appendix 3. The report also seeks agreement to adopt the Policies Map to accompany the Local Plan as shown in Appendix 4.

## 2. **Recommendation**

- 2.1 That the Warwick District Local Plan 2011-2029 is adopted in accordance with Section 23 of the Planning and Compulsory Purchase Act 2004 and that this Local Plan supersedes the earlier policies as set out in Appendix C of the Schedule of Main Modifications.
- 2.2 That the adopted Warwick District Local Plan 2011-2029 is the Submitted Local Plan - 28 January 2015 (as shown in Appendix 1) as amended by:
- a) the schedule of Main Modifications recommended by the Local Plan's Inspector (Appendix 2); and
  - b) the schedule of minor modifications (Appendix 3).
- 2.3 That an adoption statement and the final sustainability appraisal report is issued on or before Friday 29<sup>th</sup> September 2017 in accordance with regulations 17 and 26 of the Town and Country Planning (Local Planning) Regulations 2012 (as amended).
- 2.4 That authority is delegated to the Head of Development Services to make further minor modifications to the Plan prior to it being published, where these modifications are confined to the correction of typographical errors, amendments to policy or paragraph reference numbers, and consequential cross referencing.
- 2.5 That the Policies Map is amended in accordance with Appendix 4 to reflect the new Local Plan 2011-2029.

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

- 3.1 **Recommendation 2.1:** Whilst the Council has a number of "saved policies" from the previously adopted Local Plan 1996-2011, this plan is no longer up to date or compliant with national policy. As a result it is not effective in providing the development framework needed for the District. It is therefore important that a new Local Plan is adopted to provide a clear and robust development framework to enable the effective planning and direction of growth of the District. Preparation of the new Local Plan commenced in 2011 and was submitted for Examination in 2015. Since then, the Inspector has undertaken the examination in public and published his report in July 2017 (see Appendix 5). In this report he concludes that with the recommended Main Modifications (Appendix 2), the Local Plan "satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework". This conclusion provides the green light for the Council to adopt the new Local Plan subject to the Main Modifications.

- 3.2 **Recommendation 2.2:** In line with recommendation 2.1, this recommendation clarifies precisely the documentation that is to be adopted and that will be brought together to form the adopted Local Plan.
- 3.3 The schedule of Main Modifications includes those that are specifically recommended by the Inspector. These are modifications that he considers are necessary to make the Local Plan sound. They were subject to consultation in Spring 2017. Following this consultation the Inspector has made some changes to the schedule to take on board representations received. As set out in para 7.1 below, the Council must accept these modifications in full if it chooses to adopt the Local Plan.
- 3.4 In addition, the Council is able to set out minor modifications that are either consequential on the Main Modifications or are of a nature whereby they do not change the meaning of the Plan or its proposals. The minor modifications cannot therefore be amendments to the wording of policies and should be confined to minor changes within the explanatory text and the contextual text of the Plan. Great care therefore needs to be taken in proposing minor modifications and caution needs to be exercised where modifications could be considered to substantively change the meaning of the Plan. The schedule of minor modifications proposed by officers is set out in Appendix 3.
- 3.5 **Recommendation 2.3:** under the Town and Country Planning (Local Planning) Regulations 2012 (as amended), the Council is required to prepare an adoption statement as soon as reasonably practicable after the adoption of the Local Plan and this should be published alongside the Local Plan and the final sustainability appraisal report. In order to allow time for officers to compile this document following adoption, it is proposed that these documents be made available by Friday 29<sup>th</sup> September 2017.
- 3.6 **Recommendation 2.4:** In compiling a complete and final version of the Local Plan, it is likely that further minor typographical errors will be identified. It is also possible that to enable appropriate referencing of policies and paragraphs that the numbering and cross referencing will need to be amended. This recommendation provides delegated authority to the Head of Development Services to make these further minor amendments prior to publication of the final adopted version of the Local Plan.
- 3.7 **Recommendation 2.5:** The Policies Map has not specifically formed part of the scope of the Local Plan examination in public, although the examination and the Inspector's report (Appendix 5) have made reference to it as it provides one of the key tools to illustrate the Plan's policies and proposals by showing a range of boundaries including site boundaries, green belt, village and urban area boundaries. The Policies Map provides an illustration of not just the Local Plan proposals, but all of Warwick District's current development plan documents. So, for instance, if in the future the Council adopts a Gypsy and Traveller Site Allocations Development Plan Document (as is intended), then the Policies Map will need to be updated to reflect the proposals in this. At the present time, it is necessary to update the Policies Map to provide an accurate and consistent illustration of the Local Plan's policies and proposals. Appendix 4 shows all the relevant extracts from the Policies Map that are impacted by the Local Plan's policies and proposals (as amended by the Main Modifications). It should be noted that these extracts do not show a range of other material planning considerations (such as conservation area boundaries or Tree Preservation Orders) as these are not impacted by the new Local Plan.

#### 4. Policy Framework

##### 4.1 Fit for the Future (FFF)

The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key elements. This report in recommending the adoption of the Local Plan, provides a key element for the way forward for implementing a significant part of the FFF Strategy

The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.

<b>FFF Strands</b>		
<b>People</b>	<b>Services</b>	<b>Money</b>
<b>External</b>		
<b>Health, Homes, Communities</b>	<b>Green, Clean, Safe</b>	<b>Infrastructure, Enterprise, Employment</b>
<u>Intended outcomes:</u> Improved health for all Housing needs for all met Impressive cultural and sports activities Cohesive and active communities	<u>Intended outcomes:</u> Area has well looked after public spaces All communities have access to decent open space Improved air quality Low levels of crime and ASB	<u>Intended outcomes:</u> Dynamic and diverse local economy Vibrant town centres Improved performance/ productivity of local economy Increased employment and income levels
<b>Impacts of Proposal</b>		
The Local Plan has significant positive impacts on: <ul style="list-style-type: none"> <li>meeting the housing needs of the District</li> <li>Supporting the provision of new and improved cultural and sports facilities</li> <li>Supporting cohesive and active communities</li> <li>Provision of additional infrastructure</li> </ul> With regard to health, it has a mixture of positive and negative impacts, however, as set out in the Local Plan's Health Impact Assessment, overall it has the potential to bring positive health impacts.	The Local Plan will support the provision of new and improved green spaces and public realm. It provides a policy framework to support crime reduction through design. Whilst it will not directly improve air quality, the AQ assessments undertaken as part of the Local Plan show that by 2029 air quality is likely to have improved even in the context of the proposed developments.	The Plan provides for additional employment land as well as additional housing to support the local economy. It provides a policy framework to support vibrant town centres. It protects existing employment areas and cultural offers and thereby supports employment across the District.

<b>Internal</b>		
<b>Effective Staff</b>	<b>Maintain or Improve Services</b>	<b>Firm Financial Footing over the Longer Term</b>
<u>Intended outcomes:</u> All staff are properly trained All staff have the appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours	<u>Intended outcomes:</u> Focusing on our customers' needs Continuously improve our processes Increase the digital provision of services	<u>Intended outcomes:</u> Better return/use of our assets Full Cost accounting Continued cost management Maximise income earning opportunities Seek best value for money
<b>Impacts of Proposal</b>		
The Local Plan provides the starting point for additional service provision and a range of projects and infrastructure that will involve staff from right across the Council.	The effective implementation of the Local Plan is important in improving the Council's service provision.	The Local Plan provides the framework for accessing infrastructure funding via S106, CIL or other sources of funding. Whilst the additional development is likely to increase service costs, it will also increase the Council Tax and Business Rate base.

## 4.2 Supporting Strategies

The Local Plan is a key supporting strategy for FFF. It supports all three strands as set out above. Adopting the Local Plan will therefore ensure a key tool for delivering FFF is in place and can be used to underpin a range of implementation policies, proposals and projects.

## 4.3 Changes to Existing Policies

The adoption of the Local Plan would replace a range of existing planning policies as set out in Appendix C of the Schedule of Main Modifications (Appendix 2 of this report). In doing so it will provide a new policy framework for development decisions through until 2029.

## 4.4 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 sites to provide for the accommodation needs of Gypsies and Travellers (see Policies H7 and H8).

## **5. Budgetary Framework**

- 5.1 There are no direct budgetary implications associated with this report. As set out in Section 4 above, the adoption of the Local Plan will have some longer term financial implications.

## **6. Risks**

- 6.1 If Council agrees to adopt the Local Plan, the main risk remaining in terms of the Local Plan process, is the potential for a legal challenge. Following adoption the regulations allow for a six week period to lodge a legal challenge against the Council's decision to adopt. These challenges need to relate to the legislation and regulations for preparing, submitting and examining local plans. Given the far reaching implications of the Local Plan (in terms of impacts, benefits and financial opportunities), this is a significant risk. To mitigate this risk, officers have taken legal advice throughout the process of preparing and submitting the Local Plan. At this point, officers are not aware of issues that could result in a successful legal challenge.
- 6.2 Beyond adoption, there are a number of risks associated with the implementation of the Local Plan including maintaining housing delivery rates to ensure a 5 year housing land supply is maintained, obtaining funding to deliver the infrastructure needed to support the Local Plan, including Section 106 agreement and other sources of funding and challenges involved in preparing further development plan documents (such as a Gypsy and Traveller Site Allocations DPD). Following adoption of the Local Plan, the management of these risks will be carried out through annual monitoring reports, IDP updates and risk management associated with individual projects.

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

- 7.1 Section 23 (4) of the Planning and Compulsory Purchase Act 2004 makes it clear that local authorities can only adopt the Local Plan and associated modifications, if the Inspector recommends the modifications. In other words it is not possible to make any modifications that are not part of the Inspector's Main Modifications. Therefore, at this stage in the Local Plan process, the only alternative option is not to adopt the Local Plan. The implications of this would be a) planning decisions would need to be made without the Plan's policy framework and without a 5 year housing land supply; b) work on a new local plan would need to be started; and c) the considerable amount of time and cost spent to date would have been wasted.
- 7.2 It is important to note that it is not possible to adopt the Local Plan in part; nor, is it possible to make any modifications to the Plan that would impact on its meaning. Only minor modifications can be made where this relates to errors, spelling or grammar.

## **8. Background**

- 8.1 As set out in Recommendation 2.2, the adopted Local Plan will comprise of the submitted Local Plan (Appendix 1) as amended by the Inspector's recommended Main Modifications (Appendix 2) and the schedule of Minor Modifications (Appendix 3) put forward by the Council. Recommendations 2.1 and 2.2 therefore are clear that members are being asked to adopt the Local Plan as set out in these appendices. However, as this is a complex picture,

officers have prepared a consolidated version of these documents for illustrative purposes only (Appendix 6). This document is available to Members for reference only and will require thorough cross referencing and checking for alignment with Appendices 1, 2 and 3 before it is published for wider use. It should be noted that the contents page and paragraph numbers within this version are not yet consistent. At this stage it is therefore clearly marked as 'draft' and is for reference only.

## **Appendices**

Appendix 1: The Submitted Local Plan (combining Publication Draft 2014 and the Focused Changes 2014)

Appendix 2: Schedule of Main Modifications

Appendix 3: Schedule of Minor Modifications

Appendix 4: Extracts from the Policies Map (*the maps will be circulated in a separate bundle for Councillor's ease of reference*)

Appendix 5: Inspector's Report on the Examination of the Local Plan (July 2017)

Appendix 6: Draft Consolidated Version of the Local Plan combining Appendices 1 ,2 and 3 (NB: this is for information only)