

TO: PLANNING COMMITTEE – 19th June 2007

**SUBJECT: WARWICK DISTRICT LOCAL PLAN
REPORT OF THE INSPECTOR FOLLOWING THE PUBLIC LOCAL
INQUIRY**

FROM: PLANNING & ENGINEERING

1. PURPOSE OF REPORT

- 1.1 To inform members of the broad contents of the Inspector's report following the inquiry into the Local Plan.
- 1.2 To advise members as to the weight that should now be given to the policies of the emerging Local Plan.

2. BACKGROUND

- 2.1 The Warwick District Local Plan is the main document that provides planning policies that are used by the Council in shaping the future development of the district and in determining planning applications. The Local Plan is prepared by the Council, and before it can be "adopted" as planning policy, it must go through a number of prescribed legal stages. These include several periods of public consultation and a public inquiry. The inquiry gives an opportunity for anybody who objects to the policies of the Local Plan to make their case to an independent planning inspector for why they consider the Local Plan should be amended.
- 2.2 It takes many years for a Local Plan to go through all its required legal stages and become "adopted". The current adopted Local Plan for Warwick District is the Warwick District Local Plan (1989 – 2001) which was adopted by this Council in 1995. Over the past few years the Council has been working on the replacement to this, the Warwick District Local Plan (1996 – 2011). A first draft of this emerging Local Plan was prepared in 2003 and a revised draft (the Revised Deposit Version) in 2005. Following production of both of these documents, the Council consulted with the public on the Plan's contents.
- 2.3 The emerging Local Plan represents the council's up-to-date intentions in terms of the planning policies that it wishes to see within the district. However, until such time as the emerging Local Plan is adopted, it cannot replace the old (1995) Local Plan and its policies cannot be given full weight in determining planning applications. It has therefore been a priority of the Council to move towards adopting the emerging Local Plan at the earliest opportunity. (It should be noted that whilst the 1995 Local Plan had its end date in 2001, the Council decided to

continue to apply its policies until such time as the emerging Local Plan was adopted to replace it. Therefore, for the purpose of determining planning applications, the policies of the adopted Local Plan are still being used.)

- 2.4 As noted above, public consultations were carried out in 2003 and 2005 of drafts of the Local Plan. During these consultations, a large number of objections were received – approximately 1700 in total. This is not surprising and is common amongst all Local Plans prepared by local authorities. The objections were varied in nature, however included many from landowners and developers who wished to see additional land allocated for housing or employment development, and many from people who wished to see (sometimes very minor) changes to the wording of existing policies.
- 2.5 As stated in paragraph 2.1 above, those who objected to the two drafts of the Local Plan then had the right to put their views to a Public Local Inquiry. The Council, in turn, had the opportunity to rebut these comments and explain why it supported the policies in its Local Plan. The Public Local Inquiry into the Warwick District Local Plan took place between April and September 2006. Following the close of the Inquiry, the Inspector, Mr. Clive Richardson, then retired to write his report.
- 2.6 On 1st June the Council received Mr. Richardson's final report and it has now published this.

3. THE INSPECTOR'S REPORT

- 3.1 From the Council's point of view, the Inspector's report is very positive as it endorses the approach which the Council has taken towards development in the district. The report makes a number of recommendations for how the Local Plan should be changed, however many of these reflect "pre-inquiry" changes that the Council itself suggested before the Inquiry opened.
- 3.2 The following key messages emerge from the report
- The Inspector supports the broad strategy of the Local Plan. He supports the efforts made by the council to focus development more within the urban areas of the district and commensurately to see less development within rural areas.
 - The inspector supports the housing and employment land figures used by the Council and has not supported an increase to these which was suggested by some objectors.
 - He has agreed that the Local Plan should not be seeking to identify land for housing or employment beyond 2011.
 - It follows that **he has not made any new allocations of housing or employment land above those made by the Council**. Therefore all of the sites which were proposed by objectors for additional development (such as at Wood Farm in Whitnash, land west and south of Radford Semele, land

west of Europa Way, land at Milverton and land at Campion Hills) have not been accepted.

- He has endorsed the Council's approach towards affordable housing with the imposition of a higher percentage (40%) and a lower threshold (10 dwellings in urban areas).
- He has endorsed the approach taken by the Council to protecting "Areas of Restraint" where development will not be supported. This includes land west of Radford Semele, south of Whitnash and west of Europa Way.
- He has supported the Council's approach to planning for its town centres. He has not accepted the request by objectors that additional land at Queensway is allocated for retail use.
- He has agreed with the Council's policy approach towards further development at Coventry airport.
- He has supported the Council's approach for an "area of search" for a Park & Ride site south of Warwick and Leamington, however has amended the boundary of that area following discussion at the Inquiry.
- He has agreed with the council over which sites should be identified as "major developed sites" in the Green Belt (including Stoneleigh Park, the Stoneleigh Business Park, the University of Warwick and the former Honiley airfield).
- He has agreed with all of the minor Green Belt boundary changes made by the Council, including the inclusion of additional land north of Kenilworth (the Crackley triangle).

- 3.3 The Report is lengthy, running to c560 pages. Hard copies are available in the Council's offices, Council shops and local libraries. It is also available to download from the Council's website on the following link:-

<http://www.warwickdc.gov.uk/WDC/Environment+and+planning/Planning/Inspectors+Report+into+the+Local+Plan.htm>

4. THE STATUS OF THE LOCAL PLAN FOLLOWING RECEIPT OF THE INSPECTOR'S REPORT

- 4.1 Up until now, the status of the policies in the emerging Local Plan has been uncertain. When considering planning applications, your officers have been cautious in the amount of weight that they attach to these policies. This has been borne out by planning inspectors at appeals who have been unwilling to attach significant weight to these emerging policies because, until now, they had not been tested at an independent inquiry.
- 4.2 Clearly, with the Local Plan Inquiry now having taken place, and with the Inspector's report now having been received, this situation has changed. It is important to bear in mind that the Inspector's report is a binding one on the Council. That means that there is no opportunity for the Council to challenge any of the decisions of the Inspector unless it is of the opinion that the Inspector has erred in law in the recommendations that he has made. There is no opportunity

now for the Council to make further changes to policies of the Local Plan or to challenge planning judgments made by the Inspector with which it disagrees.

- 4.3 Having studied the contents of the Inspector's report, I am of the view that the Council has no basis on which it can object on legal grounds to the conclusions reached by the Inspector. Indeed, the report is strongly to be supported for the endorsement that it gives the planning approach that the Council has promoted throughout the development of this Local Plan. I will therefore be shortly recommending to the Council that it adopts the Local Plan as amended by the Inspector's report.
- 4.4 **Therefore, it is my opinion that the Council should now be attaching significant weight to all of the policies of the emerging Local Plan (as these have been modified – where appropriate - by the Inspector's report) as it determines planning applications. Since there is no opportunity for further changes to be made to these policies, they will shortly be the adopted planning policies of the Council and accordingly should properly be given significant weight.** For example, in considering any proposals for housing the full requirement of the affordable housing policy should be applied and therefore a 40% affordable housing contribution should be sought on schemes of 10 dwellings/0.25 hectares or more in urban areas.
- 4.5 In terms of how the policies of the adopted (1995) Local Plan are applied, my advice is that these policies should still be used alongside those in the emerging Local Plan when considering planning applications, however less weight should be given to these, especially where there is any conflict between them and more up-to-date policies in the emerging Local Plan.

5. WHAT HAPPENS NEXT?

- 5.1 In accordance with previous undertakings, it will be the Council's intention to adopt the Warwick District Local Plan (1996 – 2011) at the earliest opportunity. This is likely to mean that a report is taken to the July meeting of the Executive and then to Full Council in August. Adoption of the Local Plan would then take place (subject to any legal challenge) by October 2007.
- 5.2 Once the Local Plan is adopted, the Council will cease to use the policies in the 1995 Local Plan and will only use those in the newly adopted Local Plan.

6. POLICY AND BUDGET FRAMEWORK

- 6.1 The successful implementation of the policies in the local plan policy will support the achievement of the community strategy.

6. OUTCOME(S) REQUIRED

- 6.1 That the report be noted.

John Archer
Head of Planning & Engineering

BACKGROUND PAPERS

Warwick District Local Plan (1996 – 2011) – Revised Deposit Version (approved by Council on 16th May 2005)

Report to Planning committee, 9th December 2003, 14th February 2005, 25th May 2005

Areas in District Affected: All.

Executive Portfolio Area and Holder: Development, Cllr. John Hammon

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