

EXECUTIVE

Minutes of the meeting held on Wednesday 23 April 2014 at the Town Hall, Royal Leamington Spa at 10.47 pm, following the conclusion of Council.

Present: Councillor Mobbs (Chairman); Councillors Caborn, Coker, Cross, Mrs Grainger, Hammon, Shilton and Vincett.

Also present: Councillor Barrott (Chair of Finance & Audit Scrutiny Committee), Councillor Mrs Blacklock (Chair of Overview and Scrutiny Committee) and Councillor Boad (Liberal Democrat Group Observer).

189. **Declarations of interest**

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Councillors Caborn and Shilton declared that they had a Disclosable Pecuniary Interest because they were Warwickshire County Councillors. However, they had been granted dispensation by the Standards Committee to participate in this item.

Councillor Caborn declared a personal interest because the owner of the land identified as Kingswood in the local plan was known to him.

Councillor Caborn declared a personal interest because he was a trustee for the Thomas Oken Charity and Lapworth Charity which were land owners affected by the Local Plan, but he had not participated in discussions on this with them or attended a meeting of their trust for 18 months.

Councillors, Coker, Cross, Mrs Grainger, Hammon, Mobbs, Shilton and Vincett declared personal interests because they were either a Parish or Town Councillor within Warwick District.

Part 1

(Items on which a decision by Council is required)

None

Part 2

(Items on which a decision by Council is not required)

190. **Council Agenda – Wednesday 23 April 2014 – Local Plan Submission Draft**

The Executive considered a report from Development Services that sought approval for documents associated with the Local Plan and recommendations to enable the local plan to progress.

Earlier on 23 April 2014 the Council had considered, and approved the Draft Submission Version of its Local Plan. As a consequence of this there was a need

for the Executive to determine the associated documents to ensure the Local Plan could progress.

The report marked the point in the Local Plan process between the 'preparation' stage of the Local Plan (during which the proposals were not formal Council policy) and the 'publication' stage. Once the publication stage had been reached, the Draft Local Plan and Policies Maps could be considered to be Council policy and could be given due weight in planning decisions in line with paragraph 216 of the National Planning Policy Framework.

A full revision of the Statement of Community Involvement (SCI) would take place in 2015 to ensure it was consistent with the terminology in 2012 Planning Regulations. However, it was proposed to make minor amendments to the final paragraph of table 2 of the SCI at this stage, rather than await the full revision.

This was necessary as it was considered that the current wording of the final paragraph of the "submission" section of this table could be used to delay the Local Plan without reasonable cause. There had been a number of opportunities for alternative sites to be put forward during the preparation stages of the Local Plan, so it was not considered necessary to commence an additional period of 6 week consultation if any new sites were proposed at this stage, unless there was clear evidence that the new information would require major modifications, without which the Local Plan would be found to be unsound. The amendment was therefore needed to ensure that any submission of alternative sites following the publication of the Draft Plan did not unduly delay the process between the publication of the Draft and submission to the Secretary of State.

For clarity it was proposed to delete the words *"If, during the submission consultations, alternative sites are proposed, the Council will advertise these alternative sites and invite comments for a further period of six weeks"* from the SCI.

Table 2 also currently indicated that *"Amendments to the document prior to submission will require Council approval"* and it was also proposed to delete this sentence.

On 20 March 2014 the Coventry and Warwickshire Joint Committee had agreed, subject to formal approval from each of the constituent authorities, a Duty to Cooperate process for addressing housing need arising from outside a District's borders. This process was set out at Appendix 5.

There was a possibility that the Council would be asked to accommodate growth arising from outside the District. In such a scenario the Duty to Cooperate would apply and it would be necessary to ensure the matter was addressed through the application of an evidential approach.

Consequently, all the local authorities within the Coventry and Warwickshire sub-region had worked together to develop a Duty to Cooperate approach which could be applied by all the six local planning authorities in the event of one or more having a shortfall in its housing land availability, or one or more being asked to contribute to a shortfall arising from outside the sub-region. The agreed approach was endorsed by the Coventry and Warwickshire Joint Committee and it was therefore recommended that this Council agrees the Joint

Committee's recommended approach, subject to all the other authorities agreeing to it, and to apply this approach should the described scenario arise.

Regulation 20 of the Town and Country Planning Regulations 2012 did not require the publication of an infrastructure delivery plan, it was recognised that the provision of infrastructure was an important issue that was closely linked to the Draft Local Plan proposals. A Draft Infrastructure Delivery Plan (IDP) had therefore been prepared and was attached as Appendix 4 to the report. This set out the emerging infrastructure requirements along with costs and proposed sources of funding. To be found to be sound an IDP would require evidence of sound infrastructure delivery planning, confirmation that there were no regulatory or national planning policy barriers to delivery, that providers were, if possible, signed up to it, that it was coherent with the strategies of neighbouring authorities, and that it was sufficiently flexible and capable of being monitored.

It should be noted that the IDP would continue to evolve in the period through to Submission of the Local Plan to the Secretary of State as refined information and evidence was provided by Infrastructure Providers. At the point of submission, a key role of the IDP would be to demonstrate deliverability and viability of the Local Plan. However, the IDP would also continue to evolve beyond submission when it would also be used to inform Community Infrastructure Levy priorities and developer contributions associated with planning applications.

Its on-going evolution would need to take account of:

- any new evidence regarding requirements; for example, an sustainable transport assessment was currently being undertaken and might provide evidence for changes to the transport proposals set out in the Draft Plan
- any new evidence regarding costs; a number of infrastructure providers had provided indicative costs, but for these to be funded through planning obligations further work, currently being undertaken, was needed to confirm the evidence to justify these costs
- any new funding opportunities; funding opportunities would continue to emerge and as they did these would need to be fed in to the IDP
- any change to Council priorities; as community priorities changed, the IDP would need to be adapted to reflect these.

Until such time as a Community Infrastructure Levy (CIL) was formally adopted the Council would require a mechanism to ensure that appropriate financial contributions for infrastructure were available.

In considering a number of recent planning applications for significant housing developments, the Council had negotiated section 106 contributions on the basis of a "per dwelling contribution" to infrastructure requirements. It was now proposed to apply this approach more widely until such time that a CIL scheme had been adopted by:

- Developing a standard "Heads of Terms" for section 106 agreements which included a "per dwelling" tariff based approach and which took account of the established requirements in the Infrastructure Delivery Plan. This standard Heads of Terms would be used as a starting point for negotiations. It would not be possible to apply this approach uniformly to all housing applications as this would not be CIL compliant.

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- Applying the standardised Section 106 agreement and per dwelling contribution approach to proposals for all new dwellings where a contribution to infrastructure could be justified
- Providing a discount on affordable housing on a sliding scale ranging from 100% discount to 25% discount depending on the tenure of the affordable housing
- Ensuring that, when applying the standardised Section 106 agreement, consideration was also given to the overall viability of housing projects, particularly if there were abnormal development costs and/or the sites were small in size.

The main elements of the Draft Section 106 Heads of Terms were set out in Appendix 6 to the report.

The new approach to Section 106 Heads of Terms had a number of significant advantages:

- The application of a tariff based approach provided more clarity, consistency and certainty for developers;
- It provided more certainty for the Council and other infrastructure providers about the quantity and phasing of contributions;
- It could be extended to include specific conditions relating to area specific implementation agreements/programmes and matters such as land equalisation payments and any forward funding arrangements to enable the timely delivery of land use and supporting infrastructure.

With regard to recommendation 2.9 of the report, this was in line with the NPPF and there were therefore no alternatives, although it should be stressed the amount of weight to accord to the Draft Local Plan would be a matter for the decision takers in light of the specific circumstances of the application being considered.

With regard to recommendation 2.10 of the report, the Statement of Community Involvement could be left un-amended. However this would potentially lead to unnecessary delays to the Local Plan, therefore it was considered there were no suitable alternatives.

With regard to recommendation 2.11 of the report, it would be possible to choose not to support the Joint Committee's recommendation. However this would undermine the Council's work on Duty to Cooperate and could put the soundness and timetable of the Local Plan at significant risk.

With regard to recommendation 2.12 of the report, there was no requirement to prepare and consult on a Draft Infrastructure Delivery Plan (IDP) at this stage and it would be possible to view the IDP as a supporting document. However, as the IDP was so intrinsically linked with the Local Plan it was proposed to include this for representations even though it would continue to evolve.

With regard to recommendation 2.13, there was no requirement to proceed as proposed as the Council could continue to use Section 106 agreements as it had done in the past. However this was not recommended for the reasons set out in paragraphs 3.30 – 3.33 of the report.

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An addendum was circulated at the meeting detailing two additional recommendations for the Executive to consider and amendments to Appendices 4 and 5 of the report.

The joint meeting of the Finance & Audit and Overview & Scrutiny Committees recommended that the Executive should ensure that firm proposals were included within the Infrastructure Delivery Plan in respect of Sustainable Transport Infrastructure to effectively deliver all aspects of the future transport agenda as set out in the Submission Draft Local Plan.

In response to the recommendations from the Scrutiny Committees, Councillor Caborn proposed the recommendations within item 13 "Local Plan Submission Draft", which were relevant to them, subject to the following amendments:

- (1) That the amended indicative total cost tables of the Infrastructure Delivery Plan, as circulated at the meeting, replace the tables that appear at the end of each section of the Infrastructure Delivery Plan.
- (2) That Appendix 5, sub regional approach to Delivering Housing Requirement as amended, set out below, by the Coventry and Warwickshire Joint Committee on 20th March, be noted.
 - Recommendation 2.1 - Amend the figure to read 3750-3800 dwellings;
 - Recommendation 2.2.1 - Amend to read "... according to a timetable to be agreed ...";
 - Recommendation 2.2.4 – add "To recognise relationships outside of the sub-region."; and
 - Additional recommendation: That Updates are to be received at Joint Committee Meetings and details to follow through to the review of the Strategic Economic Plan.
- (3) In addition to the recommendations in the report the Executive also resolved that:
 - if the Gateway planning application does not succeed the Local Planning Authority will review the evidence base in relation to the need for the sub-regional employment site in light of the Secretary of State's decision
 - the findings of the Transport Demand Management Study be reported to Executive along with recommended amendments to the Infrastructure Delivery Plan
 - in response to the recommendation from the joint meeting of the Scrutiny Committees the Executive will ensure that firm proposals are included within the Infrastructure Delivery Plan in respect of Sustainable Transport Infrastructure to effectively deliver all aspects of the future transport agenda as set out in the Submission Draft Local Plan.

Resolved that

- (1) the draft Local Plan has effect as an interim statement of the policy intentions of the District Council and be given weight in planning decisions accordingly;
- (2) Table 2 of the Statement of Community Involvement (SCI) be amended as set out in paragraphs 3.22 and 3.23 and that these revisions to the SCI are adopted;
- (3) as requested by the Coventry and Warwickshire Joint Committee at its meeting on 20th March, the Duty to Cooperate process for addressing housing need arising from outside the District's borders as set out in Appendix 5, subject to the amendments below be agreed,
 - Recommendation 2.1 - Amend the figure to read 3750-3800 dwellings;
 - Recommendation 2.2.1 - Amend to read "... according to a timetable to be agreed ...";
 - Recommendation 2.2.4 – add "To recognise relationships outside of the sub-region."; and
 - Additional recommendation: That Updates are to be received at Joint Committee Meetings and details to follow through to the review of the Strategic Economic Plan;
- (4) the Draft Infrastructure Delivery Plan, as set out in Appendix 4 subject to revised tables circulated at the meeting, be approved as a supporting document for the consultation on the Draft Local Plan and as a basis for further work with infrastructure providers;
- (5) until such time as a Community Infrastructure Levy Draft Charging Schedule has been adopted, the tariff approach set out at paragraphs 3.30-3.33 of this report is used as an aid to determining the appropriate level of Section 106 Contributions in relation to planning applications, subject to compliance with the tests set out in Section 122 of the Community Infrastructure Regulations 2010;
- (6) if the Gateway planning application does not succeed the Local Planning Authority will review the evidence base in relation to the need for the sub-regional employment site in light of the Secretary of State's decision;

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- (7) the findings of the Transport Demand Management Study be reported to Executive along with recommended amendments to the Infrastructure Delivery Plan; and
- (8) the Executive will ensure that firm proposals are included within the Infrastructure Delivery Plan in respect of Sustainable Transport Infrastructure to effectively deliver all aspects of the future transport agenda as set out in the Submission Draft Local Plan.

(The Portfolio Holder for this item was Councillor Caborn)
(Forward Plan reference number 451)

(The meeting ended at 10.50 pm)