

 Executive 5th November 2014		Agenda Item No. 13
Title	Local Plan Consultations	
For further information about this report please contact	Dave Barber Planning Policy Manager	
Wards of the District directly affected	All	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	13 August 2014	
Background Papers	Publication Draft Local Plan Draft Gypsy and Traveller Site Allocations DPD Joint Employment Land Review Strategic Housing Land Availability Assessment	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	Yes
Included within the Forward Plan? (If yes include reference number)	No
Equality Impact Assessment Undertaken	No (If No state why below)
EqIA is not considered necessary as this report is not establishing Council policy	
Officer/Councillor Approval	
Officer Approval	Date Name
Chief Executive/Deputy Chief Executive	17/10/14 Chris Elliott
Head of Service	16/10/14 Tracy Darke
CMT	17/10/14
Section 151 Officer	17/10/14
Monitoring Officer	17/10/14
Finance	
Portfolio Holder(s)	17/10/14 Les Caborn
Consultation & Community Engagement	
The Publication Draft Local Plan has been subject to consultation during May and June. The results of this consultation will be reported to Council with the submission draft Local Plan. The Gypsy and Traveller Site Allocations Plan was subject to consultation in 2013 and 2014.	
Final Decision?	Yes
Suggested next steps (if not final decision please set out below)	

1. **Summary**

This report notes the use of the Chief Executive's emergency powers to undertake two consultations in connection with the Local Plan

2. **Recommendations**

That Executive note the use Chief Executive's Emergency Powers, in respect of the following matters:

- 2.1 That a six week period of consultation commencing on or before 31st October 2014 be undertaken under Regulation 19 of the 2012 Town and Country Planning Regulations regarding amendments to the Draft Local Plan as set out in Appendix 1.
- 2.2 That the 2014 Joint Employment Land Study (as published on Warwick District Council's website in October 2014) and the updated SHLAA (as published on Warwick District Council's website in June 2014) be included as submission documents of the Local Plan and that in light of these more recently published pieces of evidence, the Publication Draft Local Plan be subject to a further six week period of consultation.
- 2.3 That a six week period of consultation be undertaken under regulation 18 of the 2012 Town and Country Planning Regulations, regarding the potential to include the Preferred Option site set out in Appendix 2 in the Gypsy and Traveller Site Allocations Development Plan Document (G&T DPD).

3. **Reasons for the Recommendations**

- 3.1 **Recommendation 2.1:** The Publication Draft Local Plan was subject to a period of consultation under Regulation 19 of the 2012 Town and Country Planning Regulations during May and June 2014. The Draft Plan included the allocation of 8 hectares of employment land close to the Europa Way/Gallows Hill junction to the south of Warwick. As part of that consultation Severn Trent Water (STW) made representations indicating that their land, along with other land at Stratford Road, Warwick could be made available for commercial development. This resulted in the Council entering in to discussions with STW regarding the potential for the inclusion of the District Council's depot within a development area. As a result of this, the Executive authorised a non- statutory consultation at their meetings in July and August 2014. Appendix 3 shows the extent of the area to be considered for inclusion in the consultation authorised by Executive.
- 3.2 Since that time the three landowners of the potential development area (including WDC) have commissioned detailed site assessment work to be undertaken including: heritage and archaeology; flooding; ecology; landscape; access; noise and odour assessments. These studies have indicated that with the exception of flooding, noise and odours, there are no significant impediments to the development of the site. With regard to flooding, the studies show that the flood risk can be almost entirely mitigated through the implementation of relatively simple flood mitigation work. With regard to odours these can be mitigated through further investment in the sewage works, enabling the Cordon Sanitaire to be significantly tightened. With regard to noise, there are significant issues in the area immediately adjacent to the M40

motorway that cannot easily be mitigated. However a significant part of the area does not exceed noise thresholds, whilst a further area can be considered for development with the right mitigation.

- 3.3 Whilst further work is required to provide further detail of the mitigation schemes, it is clear that the vast majority of the area shown in Appendix 3 is potentially suitable for development.
- 3.4 The 2013 Employment Land Review indicated that approximately 16 hectares of new employment land needed to be allocated in the Local Plan. The Publication Draft Local Plan provided for this on two 8 hectare sites at Thickthorn, Kenilworth and North of Gallows Hill, Warwick. A further allocation of 3.7 hectares at the IBM Car Park, Warwick was also included, to re-establish a previous employment commitment.
- 3.5 In response to representations to the Publication Draft Local Plan from Severn Trent Water and in light of the site assessment work, it is now considered that the land at Stratford Road, Warwick shown on the Plans within Appendix 1 provides a preferable employment site to that at Gallows Hill, Warwick, particularly due to its access to the motorway, its proximity to other available employment sites and its availability for employment. In addition, the IBM Car Park is being promoted for housing. Appendix 1 therefore sets out a proposed amendment to the Publication Draft Local Plan involving the allocation of at least 11.7 hectares of "B use class" employment land at Stratford Road, Warwick. It is recommended that these proposals be put forward as an amendment to the Draft Local Plan subject to the outcomes of the six week period of consultation. Following the period of the consultation, final proposals, along with representations made, will be considered by Council prior to submission of the Plan to the Secretary of State.
- 3.6 **Recommendation 2.2:** The Joint Employment Land Study and the Strategic Housing Land Availability Assessment (SHLAA) were relevant documents in the preparation of the Publication Draft Local Plan agreed by Council in April 2014. However, although both these documents had been drafted at that time and were used in the preparation, neither were published in full until after the consultation period had ended. Specifically, the SHLAA was published prior to the commencement of the period of consultation, but a number of errors/omissions have since been corrected and an updated SHLAA was published in the summer of 2014 after the end of the previous consultation period. The Joint Employment Land Review was in draft form at that time the Publication Draft Local Plan was prepared. It was expected that it would be possible to publish the study prior to the commencement of the period of consultation. This did not prove possible as parties involved in commissioning the study required further work to be done. Presently, it is not considered that the updated study provides grounds to amend the Publication Draft Local Plan, although this view is subject to the outcome of this further period of consultation .
- 3.7 It is important that an opportunity is provided for interested parties to amend their representations and/or add new representations in light of this more recently published evidence, particularly as this evidence was used in preparing the Publication Draft Plan. For this reason a further six week period of consultation is proposed to run as part of the consultation proposed in recommendation 2.1.

- 3.8 **Recommendation 2.3:** At its meeting on 13th August 2014, Council authorised a consultation under regulation 19 for the Gypsy and Travellers Site Allocation DPD. The Draft G&T DPD included an allocation somewhere within a wider area at Stratford Road, Warwick. Since that time the site assessment work described in paragraph 3.2 above has been undertaken. This has enabled a more specific proposal to be identified as shown in Appendix 2. As this proposal has not previously been subject to a consultation and as further work is required to finalise the master-planning of the wider area in discussion with other landowners, it is proposed to consult on the site at this stage as a Preferred Option rather than an allocation. As a result it is recommended that a consultation under Regulation 18 of the Town and Country Planning Regulation 2012 is undertaken regarding the proposals in Appendix 2.
- 3.9 Subject to the outcomes of this consultation, these proposals would then be incorporated in the Publication Draft of the G&T DPD. The DPD would then be subject to a further six week period of consultation under Regulation 19, prior to the submission of the G&T DPD to the Secretary of State.
- 3.10 The use of the Chief Executive's Emergency powers in consultation with Group Leaders in accordance with Paragraph CE(4) of the Council's Scheme of Delegation was deemed appropriate since it is important to expedite these consultations to avoid any further delay to the progress of the Local Plan. As it is the Submission version will not now come before Council until January 2015.

4. **Policy Framework**

- 4.1 **Policy Framework** – Achieving a sound Local Plan as quickly as possible is a key corporate priority and is vital to the delivery of Fit for the Future. It also provides the overarching framework for the preparation of other Development Plan Documents. The Gypsy and Traveller Site Allocation DPD is one of these and is being developed in close alignment with the Local Plan because ensuring the needs of Gypsies and Traveller's are being planned for will be an important factor in the soundness of the Local Plan.
- 4.2 **Fit for the Future** – the report in itself does not seek to agree an amendment to the publication draft Local Plan as this is the jurisdiction of Full Council. The report confines itself to recommending that consultations are undertaken and that these consultations are considered at the point when Full Council considers the final Submission Draft Local Plan. The report in itself therefore does not contribute directly towards Warwick District's vision, but indirectly by enabling further progress on the Local Plan it contributes to the vision and all 5 of the Sustainable Community Strategy key policy priority areas
- 4.3 **Impact Assessments** – As there are no policy changes directly associated with this report, this report does not directly impact on equalities. However, the provision of sites for Gypsies and Travellers is important in providing for a sector of the community who are often considered to be disadvantaged in terms of housing, health and educational opportunities. The location of Gypsy and Traveller sites is often perceived to have uneven impacts across different geographical areas of the District.

5. **Budgetary Framework**

- 5.1 The costs of undertaking the consultation exercises can be met from within the budget already allocated to the preparation of the Local Plan.

- 5.2 The allocation of the Council's land at Stratford Road for employment could provide a capital receipt or the Council. The amount is currently unknown and this is not a significant driver in the consideration of this area for development.
- 5.2 As set out in previous reports regarding the Local Plan, any amendments to the local plan could have an impact on infrastructure including the costs of infrastructure. However the delivery of development is likely to bring potential financial opportunities through Community Infrastructure Levy, New Homes Bonus and Business Rates Retention.

6. Risks

- 6.1 Risk 1: it may be considered that the proposed Gypsy and Traveller site option will have a direct impact on the viability of the employment land proposals at Stratford Road. At this point in time there is no evidence to suggest that the employment land would not be viable, however this is a risk that has been indicated to the Council.
- 6.2 Risk 2: Delay to the Local Plan is likely to have significant risks in term of unwanted development, lower quality outcomes and limitations on the ability to deliver infrastructure. This report seeks to progress the Local Plan and the G&T DPD as quickly as possible whilst ensuring legal compliance and minimising the risk of the Plan being found unsound.

7. Alternative Option(s) considered

- 7.1 Alternative options regarding employment sites and gypsy and traveller sites have been considered in previous reports. This report focuses on authorising consultations regarding site options which have already been considered.

Appendix 1: Publication Draft Local Plan: Focused Consultation

Appendix 2: Preferred option for a gypsy and traveller site at Stratford Road, Warwick

Appendix 3: Stratford Road Master-plan area, approved by Executive and Council for consultation on 13th August 2014