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Cabinet  
Council

8<sup>th</sup> July 2014  
15<sup>th</sup> July 2014

**Name of Cabinet Member:**

Cabinet Member (Business, Enterprise and Employment) – Councillor Maton

**Director Approving Submission of the report:**

Executive Director Place

**Ward(s) affected:**

All

**Title:**

Warwick District Council New Local Plan – Publication Draft

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**Is this a key decision?**

Yes.

Aspects of the Publication Draft of the Warwick District Council (WDC) Local Plan carry specific implications for the city's southern wards (Cheylsemore, Wainbody, Binley and Willenhall and Westwood) given their shared boundary.

However, the development proposals contained within the plan and the on-going opportunities it offers for constructive engagement in relation to the development of Coventry's Local Plan mean the Council's response may have future implications for the city as a whole. This includes the legal 'Duty to Cooperate' as set out in the Planning and Compulsory Purchase Act 2004.

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**Executive Summary:**

Warwick District Council (WDC) published their plan for a period of representations on the 16<sup>th</sup> May 2014. This ran for 6 weeks until the 27<sup>th</sup> June 2014 in accordance with national Regulations relating to the submission of Local Plans. Given the timescales involved, officers have submitted an officer representation to WDC to ensure initial comments have been provided. It is this representation that is attached to Appendix 1 and is presented to members for their endorsement or amendment.

The Local Plan sets out the intended development proposals for Warwick District to 2029. Subject to the received representations, WDC intends to submit the plan to the Secretary of State later this year.

The response has been prepared on behalf of the Council in its role as Local Planning Authority and seeks political endorsement for Coventry's response to WDC at this important stage of its plan's development. It should also be noted that the development of the WDC Local Plan has knock on effects for Coventry's Local Plan given our shared interest around the Coventry and

Warwickshire Gateway, The University of Warwick and our relationships in terms of the Local Enterprise Partnership (LEP), Strategic Economic Plan (SEP) and City Deal. The key points proposed as part of this report relate to:

1. Coventry's continued commitment to fulfilling the Duty to Cooperate and the Council's support for the proposed policy DS20, which commits WDC to supporting Coventry City Council (CCC) in relation to meeting its housing needs should such a situation arise;
2. Support for WDC's plans to accommodate its objectively assessed housing needs within its own boundaries in accordance with the Coventry and Warwickshire Strategic Housing Market Assessment;
3. Continued support for the Coventry and Warwickshire Gateway proposals;
4. Continued support of the expansion plans at the University of Warwick; and
5. Clarification of the Council's position with regards the proposed housing site at Howes Lane, east of Finham.

Should the continued progression of the new Coventry Local Plan show that Coventry is unable to accommodate its own development needs within its own boundary then the city will require support from our neighbours to help deliver its needs. This relates to, and highlights the importance of, point 1 above.

Points 3, 4 and 5 (above) identify areas where development opportunities would be allocated or facilitated through policy adjacent to the city's southern boundary. As such, there are likely to be environmental impacts resulting from the development of Greenfield and Green Belt land, and additional pressure on Coventry's services with no additional income to the Council to pay for it. In contrast however we would expect many of the increased demands on our services, and associated implications, to be mitigated through improved infrastructure delivery; and we also expect to see positive impacts in terms of job creation, growth in economic output and housing provision. Members will also be aware of positive environmental impacts generated through the Coventry and Warwickshire Gateway proposals with regards the remediation of contaminated land in some of that area.

### **Recommendations:**

The Cabinet is requested to:

- 1) Recommend that the Council endorse the officer representations to Warwick District Council's New Local Plan – Publication Draft, as set out at Appendix 1.

The Council is recommended to:

- 1) Endorse the officer representation to Warwick District Council's New Local Plan – Publication Draft (as amended by Cabinet where necessary), as set out at Appendix 1.

### **List of Appendices included:**

- Appendix 1: Proposed representation to the Warwick District Council New Local Plan – Publication Draft consultation.
- Appendix 2a: WDC's Map 8 – Land around Coventry airport and proposed housing site at Howes Lane, east of Finham.
- Appendix 2b: Enlarged site map of the proposed allocation at Howes Lane, east of Finham.
- Appendix 3: WDC's Map 7 – Revised Green Belt boundary at the University of Warwick.

### **Background papers**

None

**Other useful documents:**

- Warwick District Council New Local Plan – Publication Draft is available to download at: [http://www.warwickdc.gov.uk/news/article/24/local\\_plan\\_proposals](http://www.warwickdc.gov.uk/news/article/24/local_plan_proposals)
- Previous Council Consideration of Warwick District Council New Local Plan Consultation paper  
<http://moderngov.coventry.gov.uk/Data/Council/201207241400/Agenda/Document%20202.pdf> (Pages 4 and 263-271)
- Planning Application details approving University of Warwick Masterplan (2009)  
<http://planning.coventry.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=675555>

**Has it been or will it be considered by Scrutiny?**

No

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

No

**Will this report go to Council?**

Yes, 15<sup>th</sup> July 2014

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## Report title: Warwick District Council New Local Plan – Publication Draft

### 1. Context

- 1.1 Warwick District Council issued the Publication Draft of its new Local Plan for a period of representations (statutory consultation period) on the 16<sup>th</sup> May 2014. It sets out WDC's policies and proposals to support the development of the District through to 2029. Preparation of the plan commenced in 2010 and has been subject to 4 previous periods of consultation. The plan proposes site allocations to deliver growth, with some of these sites currently undeveloped Green Belt land. It is considered that this is a matter for Warwick District Council as planning authority, and therefore no objection in principle to this is recommended.
- 1.2 There are 3 specific proposals however that are situated adjacent to the Coventry administrative boundary. These include
- The allocation of a small site East of Finham at Oaklea Farm, Howes Lane for 20 new homes (See Appendix 2a and 2b). This is a small triangular shaped site adjoined on 2 sides by existing residential development, the majority of which is within Coventry's administrative boundary, with the A46 bordering the site to the east. Members should note that the Council have previously objected to this site in a Council report dated 24<sup>th</sup> July 2012. The reasons for this objection were concerns about service provision and the principle of the removal of the site from the Green Belt. In the first case, the approval of the City Deal and further opportunities to engage in servicing arrangements with the District and County Council are likely to mitigate any adverse impact on the city council's service provision. With regards the Green Belt concerns, WDC are within their rights to explore all development opportunities within their administrative area. They have sought through their local plan to minimise the release of Green Belt land and distribute housing across their district area. Officers are of the view that the decision to allocate this site has not been taken lightly and is a result of an exhaustive investigation into non-Green Belt options elsewhere in the district. As such, this proposed response to WDC would supersede the previous objection to this site on the basis that suitable arrangements will be made in relation to servicing the new homes.
  - Proposed Policy DS16 of the Local Plan identifies land referred to as the Coventry and Warwickshire Gateway as a sub-regional employment site (See Appendix 2a). This is with a view to supporting economic growth and job creation for the whole Coventry and Warwickshire area. The site is identified for partial removal from the Green Belt to support the development of the scheme proposed through the masterplan. Coventry City Council has previously supported the development of this site on a number of occasions, which is reflected in the proposed response.
  - In order to facilitate the continued delivery of the University of Warwick masterplan, The Local Plan proposes to remove the university footprint from the Green Belt (see Appendix 3). As the University site straddles the Coventry/Warwick boundary, Coventry City Council has previously supported the masterplan proposals in 2009.
- 1.3 Section 33A of the Planning and Compulsory Purchase Act 2004 (as introduced by the Localism Act 2011) establishes the 'Duty to Cooperate' and requires local authorities to engage constructively, actively and on an ongoing basis when developing their local plans and the evidence to support them. The 'duty' cannot be met retrospectively and cannot continue to be discharged in relation to this aspect of the WDC plan once it has been

submitted to the Secretary of State. As such, WDC and CCC have sought to discharge their respective responsibilities in relation to this 'duty' through numerous areas of joint working. Of most relevance to this report are work on the Coventry and Warwickshire Gateway proposals and the Joint Strategic Housing Market Assessment (SHMA), which provides an independent assessment of the number of homes required for the respective authorities.

- 1.4 Although the outcomes of the Joint SHMA have not yet been tested for Coventry, there remains a risk that it will not be possible to meet the needs of the city within its own boundaries. As such, CCC must be satisfied that the WDC Local Plan makes adequate provisions to support CCC in meeting this need should the situation arise. If such circumstances were to occur the Coventry and Warwickshire Joint Committee has approved the development of further evidence to help determine the most sustainable location(s) within the County to meet this need. Furthermore, Policy DS20 of the WDC Local Plan acknowledges this possibility and sets out a process whereby WDC will identify sites to help to meet Coventry's unmet needs within the WDC boundary should this be required and evidenced as the most sustainable option. It also commits to further work through the Duty to Cooperate as it will relate to a review of the Local Plan (post adoption) or the production of a supporting Development Plan Document. Members should be aware that given some lingering uncertainty around how the Planning Inspectorate approach the 'duty', Policy DS20 could be considered as an agreement to agree, therefore failing to take proper account of Coventry's potential issues with regards its housing needs. It is the view of officers however that the provision of this commitment in a policy, situated at the heart of the overarching development strategy, would mean any subsequent attempt to go back on this commitment (following the identification of a need for Coventry) would render the WDC Local Plan out of date and unsound. Under such circumstances WDC would be left exposed to speculative development without the protection of a useable development plan.
- 1.5 On this basis officers are satisfied that WDC have discharged their responsibilities in terms of the 'duty', as far as they relate to CCC with regards their Local Plan whilst also putting in place a firm commitment to supporting on-going cooperation as it will relate to CCC's Local Plan and subsequent planning documents.

## **2. Options considered and recommended proposal**

- 2.1 There are two realistic options available. The first of these is to remain silent; this was rejected on two grounds. Firstly, because it is in the Council's interests to formally express its views on a plan containing development proposals that will have direct implications for land adjoining and straddling Coventry's administrative boundary. Secondly, because the Councils need to undertake active and constructive cooperation through the Duty to Cooperate, especially in relation to how WDC's Local Plan will impact on the future development of Coventry's own Local Plan.
- 2.2 The second option, which is recommended, is to formally respond in broad support of WDC's proposed Local Plan in accordance with the Duty to Cooperate, whilst being clear that CCC consider there is a risk that some of Coventry's objectively assessed housing need might be required to be accommodated in Warwick District. The Duty to Cooperate is not confined to housing issues but also relates to other strategic matters including employment, significant infrastructure schemes such as road and rail, and other cross boundary matters. This is also reflected in the recommended response.

## **3. Results of consultation undertaken**

- 3.1 There has been no consultation undertaken by Coventry City Council with respect to this report, but the Council has responded to each of Warwick District's local plan consultations.

#### **4. Timetable for implementing this decision**

- 4.1 The deadline for responses to the consultation was Friday 27<sup>th</sup> June 2014. Due to the timing of Cabinet and Council meetings and the unfortunate timing of the consultation at a time of Coventry local elections, a 'holding' response was sent to WDC prior to this deadline and within the timeframe allowed by the statutory period of consultation.
- 4.2 Further correspondence will then be sent to WDC following the Council meeting on the 15<sup>th</sup> July 2014 to confirm or amend the Council's response.

#### **5. Comments from the Executive Director, Resources**

##### **5.1 Financial implications**

There are no known direct costs for the Council directly associated with this consultation or the recommendations in this report. There may be indirect costs to the Council as a result of the proposed site allocation East of Finham, however, the site is relatively small, and there would be scope to negotiate with Warwick District to achieve a mutually acceptable financial solution, thus mitigating any significant financial risk.

##### **5.2 Legal implications**

It is considered that responding to this consultation will assist both Warwick District and Coventry City Councils to demonstrate compliance with the Duty to Cooperate, as set out in Section 33A of the Planning and Compulsory Purchase Act 2004 (as introduced by the Localism Act 2011), associated regulations, and the National Planning Policy Framework 2012.

#### **6. Other implications**

##### **6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

The Warwick Local Plan will contribute to a number of the City Council's core aims as follows:

- A prosperous Coventry. The WDC Local Plan makes a number of development proposals that are adjacent to or straddle the Coventry boundary. Such proposals will support economic growth, job creation and investment in infrastructure that will have a positive impact on Coventry's prosperity. Of particular relevance are the Gateway proposals and the support for the University of Warwick;
- Providing a good choice of housing. The WDC Local Plan sets out a number of potential sites for new homes to be built, offering a choice that can be expected to be available to local people throughout the area; and
- Improving the environment and tackling climate change. The WDC Local Plan focuses new development in accessible and sustainable locations that minimises the need to travel.

##### **6.2 How is risk being managed?**

The key risk associated with the proposal is concerned with technicalities around the Duty to Cooperate. In particular, this relates to the need to maintain an opportunity to work with WDC in the future should it be evidenced that Coventry is unable to meet its identified

housing needs. It also relates to the continued joint working around the Gateway proposals and the on-going support for delivering the University of Warwick's wider masterplan.

Officers believe that the policies contained within the WDC Local Plan are effective and will offer a sound basis for constructive and on-going cooperation between WDC and CCC, especially in relation to the key areas identified above.

By responding in support of the WDC Local Plan, it is considered that the Council would be acting appropriately in terms of its own responsibilities under the Duty to Cooperate, helping to give both the Coventry and Warwick Local Plans the best chance of discharging the 'duty' and progressing to adoption.

### **6.3 What is the impact on the organisation?**

No direct impact.

### **6.4 Equalities / EIA**

It is Warwick District Council's responsibility to complete an Equality Impact Assessment to inform its own Core Strategy.

Notwithstanding, there are likely to be significant economic and social benefits to the city through the development of new homes and employment opportunities adjacent to the city boundary.

### **6.5 Implications for (or impact on) the environment**

The Warwick Local Plan will be accompanied by a Sustainability Appraisal, in accordance with relevant regulations, that will assess the environmental implications of the Publication Draft.

### **6.6 Implications for partner organisations?**

The recommended response to the consultation that appears at Appendix 1 supports the proposals made in the WDC Local Plan Publication Draft (May 2014). There are no implications for partner organisations that cannot be mitigated or managed through the supporting work already undertaken by WDC and through on-going cooperation between CCC and WDC.



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