

**To: The Deputy Leader and Members of the Planning and Development Board
(Councillors Sweet, Barber, Butcher, L Dirveiks, Holland, Humphreys, Lea, B Moss, Phillips, Sherratt, Simpson, A Stanley, Turley, Winter and Wykes)**

For the information of other Members of the Council

This document can be made available in large print and electronic accessible formats if requested.

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For enquiries about specific reports please contact the officer named in the reports

PLANNING AND DEVELOPMENT BOARD AGENDA

12 SEPTEMBER 2011

The Planning and Development Board will meet in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire on Monday 12 September 2011 at 6.30 pm.

AGENDA

- 1 Evacuation Procedure.**
- 2 Apologies for Absence / Members away on official Council business.**
- 3 Declarations of Personal or Prejudicial Interests.**
(Any personal interests arising from the membership of Warwickshire County Council of Councillors Lea, B Moss and Sweet and membership of the various Town/Parish Councils

of Councillors Barber (Ansley), Butcher (Polesworth), B Moss (Kingsbury), Phillips (Kingsbury) and Winter (Dordon) are deemed to be declared at this meeting.

PART A – ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)

- 4 **Budgetary Control Report 2011/12 Period Ending 31 August 2011 -**
Report of the Assistant Director (Finance and Human Resources)

Summary

The report covers revenue expenditure and income for the period from 1 April 2011 to 31 August 2011. The 2011/2012 budget and the actual position for the period, compared with the estimate at that date, are given, together with an estimate of the out-turn position for services reporting to this Board.

The Contact Officer for this report is Nigel Lane (719371).

- 5 **Planning Applications –** Report of the Head of Development Control.

Summary

Town and Country Planning Act 1990 – applications presented for determination

The Contact Officer for this report is Jeff Brown (719310).

- 6 **Public Speaking at Planning and Development Board Meetings -**
Report of the Assistant Chief Executive and Solicitor to the Council

Summary

The report seeks approval for a scheme to allow the public to speak on planning applications considered by the Planning and Development Board.

The Contact Officer for this report is Steve Maxey (719438).

- 7 **Executive and Planning and Development Board Terms of Reference -** Report of the Assistant Chief Executive and Solicitor to the Council

Summary

The report seeks the Board's approval to changes in the terms of reference of the Executive and Planning and Development Boards.

The Contact Officer for this report is Steve Maxey (719438).

- 8 **Documents to accompany Draft Core Strategy** - Report of the Assistant Chief Executive and Solicitor to the Council

Summary

This report provides Members with the documents to accompany the Draft Core Strategy.

The Contact Officer for this report is Dorothy Barratt (719250).

- 9 **A5 Strategy 2011 - 2026** - Report of the Assistant Chief Executive and Solicitor to the Council

Summary

This report relates to the development of and consultation on a Strategy for the A5 Transport Corridor.

The Contact Officer for this report is Mike Dittman (719451).

- 10 **Draft National Planning Policy Framework (NPPF)** – Report of the Head of Development Control.

Summary

The consultation seeks views on the Draft National Planning Policy Guidance which aim to bring existing Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. Other recent Government publications are reported for information.

The Contact Officer for this report is Jeff Brown (719310).

JERRY HUTCHINSON
Chief Executive

Agenda Item No 4

Planning and Development Board

12 September 2011

**Report of the Assistant Director
(Finance and Human Resources)**

**Budgetary Control Report 2011/2012
Period Ended 31 August 2011**

1 Summary

- 1.1 The report covers revenue expenditure and income for the period from 1 April 2011 to 31 August 2011. The 2011/2012 budget and the actual position for the period, compared with the estimate at that date, are given, together with an estimate of the out-turn position for services reporting to this Board.

Recommendation to the Board

That the report be noted and that the Board requests any further information it feels would assist it in monitoring the budgets under the Board's control.

2 Consultation

2.1 Portfolio Holder, Shadow Portfolio Holder and Ward Members

- 2.1.1 Both Councillors' Forwood and Lea have been consulted regarding this report. Any comments received will be reported verbally to the Board.

3 Report

3.1 Introduction

- 3.1.1 Under the Best Value Accounting Code of Practice (BVACOP), services should be charged with the total cost of providing the service, which not only includes costs and income directly incurred, but also support costs relating to such areas as finance, office accommodation, telephone costs and IT services. The figures contained within this report are calculated on this basis.

4 Services Remaining Within Resources Board

4.1 Overall Position

- 4.1.1 Net controllable expenditure for those services that report to the Planning and Development Board as at 31 August 2011 is £248,550 compared with a profiled budgetary position of £221,437; an over spend of £27,113 for the period. Appendix A to this report provides details of the profiled and actual position for each service reporting to this Board, together with the variance for

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the period. Where possible, the year-to-date budget figures have been calculated with some allowance for seasonal variations, in order to give a better comparison with actual figures. Reasons for the variations are given, where appropriate, in more detail below.

4.2 **Planning Control**

4.2.1 Income is currently behind forecast by £35,923 due to a fall in the number of planning applications received and the sluggish local and national economy. We are still expecting several large applications although the timing of these can not be accurately predicted. This is partly off-set by an under spend on bought in professional services and an under spend on advertising, promotion and publicity.

4.3 **Street Naming and Numbering**

4.3.1 There is an under spend of £2,711 on Street Naming and Numbering. This is due to a lower level of expenditure on street name plates to date of £1,865 and additional income of £846 compared to the profiled budget position.

5 **Performance Indicators**

5.1 In addition to the financial information provided to this Board, when the budgets were set in February, performance indicators were included as a means of putting the financial position into context. These are shown at Appendix B.

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5.2 The gross cost per planning application is higher than the budgeted performance as although expenditure is below budget, the reduction in applications has increased the cost per application. The difference between actual and budgeted performance is more significant when looking at net cost per application, due to the loss of income.

5.3 Similarly, the gross and net costs of land charges are higher per search as a lower number of searches have been completed than profiled. The caseload is below profile, as there are presently fewer planning requests being received.

6 **Risks to the Budget**

6.1 The key risks to the budgetary position of the Council from services under the control of this Board are:

- The need to hold Public Inquiries into Planning Developments. Inquiries can cost the Council around £20,000 each.
- Reductions in income relating to planning applications.
- Risk to the mix of Local Land Charge applications not bringing in the expected level of fee income.

7 Estimated Out-turn

- 7.1 Members have requested that Budgetary Control Reports provide details on the likely out-turn position for each of the services reporting to this Board. The anticipated out-turn for this Board for 2011/2012 is £598,270, as detailed in the table below:

	£
Approved Budget 2011/2012	573,270
Increased cost to NWBC of Building Control	41,000
Potential reduction in Planning Fee income	25,000
Expected Out-turn 2011/12	639,270

- 7.2 The figures provided above are based on information available at this time of the year and are the best available estimates for this board, and may change as the financial year progresses. Members will be updated in future reports of any changes to the forecast out turn.

8 Building Control

- 8.1 The table below analyses the figures provided by the Partnership at 31 July for the estimated costs for the 2011/12 financial year and details the impact for this Council:

	NWBC share £
Net Budget	92,910
Share of additional loss	34,806
Less NWBC Support costs recharged to the partnership	(32,090)
Net Cost to NWBC in 2011/12	95,626

- 8.2 The approved budget provision for Building Control is £54,570. The table above shows that based on the current projected annual cost, the current budget allocation is insufficient to cover the costs of the Partnership for this year. Based on these projections, we will need to fund an additional cost of £41,056 to cover the deficit.
- 8.3 The Partnership is planning action to reduce costs and this will be monitored. Any improvement will be reflected in the estimated out-turn in future reports.

9 Report Implications

9.1 Finance and Value for Money Implications

- 9.1.1 The Council's budgeted contribution to General Fund balances for the 2011/2012 financial year is £419,380. This is expected to increase by

£66,000, as shown above. Income and Expenditure will continue to be closely managed and any issues that arise will be reported to this Board for comment.

9.2 Environment and Sustainability Implications

9.2.1 The Council has to ensure that it adopts and implements robust and comprehensive budgetary monitoring and control, to ensure not only the availability of services within the current financial year, but in future years.

The Contact Officer for this report is Nigel Lane (719371).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date

Key Performance Indicators for Budgets Reporting to the Planning and Development Board

	Budgeted Performance	Profiled Budgeted Performance	Actual Performance to Date
Planning Control			
No of Planning Applications	740	308	296
Gross cost per Application	£1,002.16	£990.06	£1,008.95
Net cost per Application	£595.36	£614.20	£738.79
Local Land Charges			
No of Searches	1,230	513	409
Gross cost per Search	£48.69	£39.83	£50.07
Net cost per Search	£2.21	-£6.08	-£5.87
Caseload per Officer			
All applications	137	61.7	59.0

Agenda Item No 6

Planning and Development Board

12 September 2011

**Report of the Assistant Chief Executive
and Solicitor to the Council**

**Public Speaking at Planning and
Development Board Meetings**

1 Summary

- 1.1 The report seeks approval for a scheme to allow the public to speak on planning applications considered by the Planning and Development Board.

Recommendation to the Executive Board

- a That the scheme for public speaking at the Planning and Development Board detailed in the Appendix be adopted; and**
- b That the scheme be reviewed in twelve months time.**

2 Report

- 2.1 As part of the review of how business is done by the Council, Officers have been asked to prepare a scheme to allow members of the public to speak on planning applications to be determined by the Planning and Development Board. At its meeting on 22 August 2011 the Special Sub-Group endorsed the proposal to introduce public speaking at meetings of the Planning and Development Board.
- 2.2 A review of other authorities has shown that most schemes are broadly similar in that the time allocated to those who wish to speak against an application is the same as the time allocated to those who wish to speak in favour. This is a requirement to ensure the fairness of the hearing.
- 2.3 Those wishing to speak can raise questions generally but will not be allowed to question Members or officers individually. Members or officers may ask questions of those speaking but it is suggested that this would only be to clarify any points made.
- 2.4 The Planning Officer would then comment on remarks made by the public before the usual debate by Members.

2.5 Finally, it is suggested that the operation of the scheme be reviewed in twelve months.

3 Report Implications

3.1 Equality Implications

3.1.1 All public meetings are held in the Council Chamber which has hearing loop facilities. Interpreters or translation services have been previously used which demonstrates that there could be language barrier issues for some communities. Mechanisms are in place to ensure that individuals or communities are not adversely affected.

3.2 Environment and Sustainability Implications

3.2.1 The opportunity for the public to be able to speak at the Planning and Development meetings is a positive step towards increasing community involvement and informing decision making.

The Contact Officers for this report are Steve Maxey (719438) or Jerry Hutchinson (719216).

Appendix

1. Any member of the public, including the Applicant, wishing to ask a question or make a statement at a meeting of the Planning and Development Board must inform the Democratic Services section of the Authority at least two clear working days prior to the commencement of the meeting in writing, by e-mail or telephone. The notice must identify the agenda item and planning application number in question. Public speakers are also required to indicate whether they wish to speak in support of or against an application.
2. The Democratic Services section of the Authority will inform the Chairman presiding at the meeting, before the commencement of that meeting, of all questions and statements notified by any member of the public. Democratic Services will produce a list of public speakers for all members of the Board and relevant officers for the Board meeting.
3. A representative from the Democratic Services section of the Authority will be available half an hour before the start of each meeting to meet public speakers and explain the procedure.
4. On each agenda item the planning officer will introduce the proposal with a short presentation.
5. The Chairman will then invite those members of the public who have given prior notice to speak.
6. A total of three minutes is allowed for the objectors to an application. Where more than one person wishes to speak against an application, the time must be shared between the speakers accordingly or they may select a single speaker to represent the group. No questions may be asked by the speaker(s) of the officer or members.
7. The members of the Board and the planning officer may then ask the speaker(s) any questions of fact.

Appendix

8. A total of three minutes is allowed for the Applicant or supporters of an application. Where more than one person wishes to speak in support of an application, the time must be shared between the speakers accordingly or they may select a single speaker to represent the group. No questions may be asked by the speaker(s) of the officer or members.
9. The members of the Board and the planning officer may then ask the speaker(s) any questions of fact.
10. The planning officer will then respond to any issues raised by the speakers.
11. The Board will then debate the proposal. The planning officer may at any time respond to points raised by members.
12. There will be no further public speaking unless at the discretion of the Chairman.
13. The Chairman will then take the matter forward to the vote.

Agenda Item No 7

Planning and Development Board

12 September 2011

Report of the Assistant Chief Executive and Solicitor to the Council

Executive and Planning and Development Board Terms of Reference

1 Summary

- 1.1 The report seeks the Board's approval to changes in the Terms of Reference of the Executive and Planning and Development Boards.

Recommendation to the Board

That changes to the Constitution detailed in the Appendices to this report be agreed and referred to the Executive Board for approval.

2 Report

- 2.1 The Planning function of this Council is delegated in the main to the Planning and Development Board. However responsibility for strategic matters, in particularly planning policy, is delegated to the Executive Board.
- 2.2 Members and Officers have for some time been discussing this split in responsibilities and whether improvements can be made. There is a clear rationale for the highest level of policy matters to be retained by the Executive Board but there is also merit in the Planning and Development Board having more say on policy given it is the Board, together with Officers, which implements that policy.
- 2.3 The change suggested in the Appendices is that whilst the Executive Board should retain responsibility for the Core Strategy, that the Planning and Development Board be given delegated power to approve any of the documents that will sit underneath that over-arching policy. These documents include Development Plan Documents, Supplemental Planning Documents and Design Briefs.
- 2.4 The opportunity has also been taken to review a number of related matters in the Constitution and these documents are included within the Appendices. In particularly the scheme of delegation and the planning protocol have been reviewed. However no substantial changes are suggested, other than to reflect changes in officer arrangements.

2.5 At its meeting on 22 August 2011 the Special Sub-Group considered this report and endorsed the proposed changes.

The Contact Officers for this report are Steve Maxey (719438) or Jerry Hutchinson (719216).

APPENDIX A

THE EXECUTIVE BOARD

A Main Terms of Reference

- 1 Formulating the overall policy framework for Council approval. This will include:
 - (a) the Corporate Plan
 - (b) the North Warwickshire Sustainable Community Strategy,
 - (c) the North Warwickshire Local Development Framework save for those matters within the remit of the Planning and Development Board
 - (d) the Housing Strategy
 - (e) the Crime and Disorder Reduction Strategy
 - (f) the Health, Well-being and Leisure Strategy
 - (g) the Capital Strategy
 - (h) the Food Law Enforcement Service Plan
 - (i) such other Plans and Strategies as the Council may, from time to time, be required by statute or Government Direction to adopt or which the Council itself decides to adopt.

(N.B. The Scrutiny Board must be advised of strategies and policies which are being developed, so that it can decide which of these it wishes to consider. The Scrutiny Board will then put its views to the Executive Board prior to that Board's submission to the Council).
- 2 Arranging the overall finances of the Council (The Resources Board will manage and monitor the Council's budget and financial situation).
- 3 Annual Budget Preparation, including recommending the level of Council Tax.
- 4 Capital Programme.
- 5 Strategic and Local Development Framework issues, including developing and implementing the Sustainable Community Plan; commenting on Waste and Minerals Plan proposal from Warwickshire County Council; and submitting comments on the statutory plans of neighbouring Authorities.
- 6 Terms of Reference of the Boards, Standards Committee and Area Forums, together with their composition and any subsequent reviews of such matters.
- 7 Approval of the overall arrangements for the delegation of powers to Officers, Area Forums and other Committees.
- 8 Constitutional matters affecting the name, status, boundary and area of the Borough.
- 9 The structure, functions and administration of local government as they affect the Borough.
- 10 Electoral matters, including elections, electoral registration and Warding arrangements, other than those set out in Appendix C.
- 11 Matters involving more than one Board or where there is a difference of view between them.

- 12 Proposals to confer the titles of Honorary Alderman and Honorary Freeman, under section 249 of the Local Government Act 1972.
- 13 Representation on outside bodies.
- 14 Emergency Planning.
- 15 Submission to the Council of an annual report on the work undertaken by the Board during the year.
- 16 Approval of Arrangements for the appointment of the Chief Executive, Directors, Assistant Directors and the Assistant Chief Executive together with their pay and conditions of service.
- 17 Approval of the overall management structure and establishment of the Authority.
- 18 Any other matter not specifically allocated to another Board, Committee, Forum or the Council itself.

B Powers Delegated to the Board

- (a) To determine the pay and conditions of service of the Chief Executive, Directors, Assistant Directors and the Assistant Chief Executive.
- (b) To implement the approved Crime and Disorder Strategy.
- (c) To approve the Council's Statement of Accounts.

C Powers Delegated to Officers

(i) Various Officers

In the case of emergencies, the Officers named in the County Major Emergency Plan and the Borough Emergency Plan shall have responsibility for the tasks respectively assigned to them in these documents.

(ii) Solicitor to the Council

- (a) In consultation with the Ward Members for the area contained in the notice, to deal with consultation from the Police on authorisation notices allowing for the dispersal of groups.
- (b) In consultation with the Portfolio Holder and Shadow Portfolio Holder for Housing and the relevant Ward Members, power to instigate legal action against tenants in relation to nuisance issues, subject to him being satisfied that sufficient evidence exists to support such action.

D Powers Delegated to Area Forums

None.

THE PLANNING AND DEVELOPMENT BOARD

A Main Terms of Reference for the Planning and Development Board

Within the policy framework of the Council and having regard to the Development Plan, Planning Policy Guidance Notes/Statements and development briefs, to deal with the undermentioned matters. (N.B. Where the Board proposes a course of action which would be contrary to any of the above, the application or matter shall be referred to the Council for determination along with the Board's recommendation).

- 1 Consider and determine applications for permission required under:-
 - a development control,
 - b demolition control
 - c listed building consent
 - d control of advertisements
 - e tree and building preservation and conservation
 - f Building Regulations (including dangerous buildings and structures)
 - g High Hedges Remedial Notices
- 2 Authorise the making of Orders and Agreements and the issue of Notices in connection with development control, planning enforcement, trees and listed buildings.
- 3 Authorise, in association with the granting of planning permission, the closure, diversion and creation of public rights of way, including public footpaths and bridleways.
- 4 Submit comments to the Warwickshire County Council, when consulted by them, on planning applications made by that Council.
- 5 Submit comments to neighbouring Authorities, when consulted by them on significant planning applications on or close to the Borough Council's boundaries.
- 6 Public Transport and Goods Vehicle Operator Licensing.
- 7 Requests from the Chief Constable for the Council to make Orders, under Section 13 of the Public Order Act 1986, to prohibit public processions in the Borough.
- 8 Approval of Development Plan Documents, Supplementary Planning Documents and Design Briefs
- 9 Consideration of Waste and Minerals Plan proposals and other statutory plans of neighbouring authorities for recommendation to the Executive Board

B Powers Delegated to the Board

All matters listed under heading A above.

C Powers Delegated to Officers

- (i) Assistant Chief Executive and **Solicitor to the Council**
 - (a) A general authority to institute proceedings under Section 35 of the Building Act 1984, against any person who fails to comply with a notice served under the Building Regulations 2000.
 - (b) A general authority to initiate proceedings for contraventions of the Town and Country Planning (Control of Advertisements) Regulations in relation to directional signs for housebuilding sites. (This power is to be exercised after consultation with the Chairman of the Board).
 - (c) Authority to determine whether or not proceedings should be commenced in respect of alleged breaches of advertisement control.
 - (d) Authority to take any enforcement action in respect of cases of unauthorised mobile snack vans/trailers adjacent to the highway.
 - (e) Determination of classes of planning applications defined in the Scheme of Delegation dated August 2010 – **(Copy attached at Appendix B)**
 - (f) Applications for determination under Section 64 of the Town and Country Planning Act 1990.
 - (g) Determinations whether “County Matters” are involved in planning applications under Schedule 1 of the Town and Country Planning Act 1990.
 - (h) Consultations, at his discretion, with neighbours on planning applications received.
 - (i) Decisions under the Building Regulations 2000 and the Building Act 1984 (including taking appropriate action in respect of dangerous buildings and structures under Section 29 of the Local Government (Miscellaneous Provisions) Act, 1982 to mitigate danger).
 - (j) Authority to forward to Warwickshire County Council written observations on:

- (i) Applications submitted for consultation purposes by that Council under the Town and Country Planning General Regulations 1992;
- (ii) Minerals applications;
- (iii) Waste Disposal applications

Subject in all three cases to the proposal being assessed as a “minor” matter by the Assistant Chief Executive and Solicitor to the Council and the Chairman and Ward Member(s) agreeing that the matter is a “minor” one and there is no dissent from the proposed observations of the Assistant Chief Executive and Solicitor to the Council .

NB An application shall be brought before the Board for consideration where there is a disagreement on the proposed observations; where there is known public interest in the proposal; or at the discretion of the Assistant Chief Executive and Solicitor to the Council .

- (k) Authority to make directions under Articles 4 and 5 of the Town and Country Planning General Permitted Development Order 1995 to prevent the holding of markets where there are planning grounds for doing so (this action is to be taken in conjunction with the Chairman of the Board and the Local Ward Members).
- (l) Authority to determine which planning applications should be publicised by newspaper or other advertisement, unless prescribed by legislation.
- (m) Power to issue Planning Contravention Notices.
- (n) Authority to pursue cases of alleged breaches of advertisement control.
- (o) Authority to determine whether to require an Environmental Impact Assessment Statement in respect of planning matters under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.
- (p) The submission of objections to the West Midlands Traffic Commissioner against applications under the Public Service Vehicles (Road Service Licences and Express Services) Regulations, 1980, subject to the objection being reported to the next available meeting.
- (q) The submission of objections to the West Midlands Traffic Commissioner against applications affecting bus services, after consultation with the Ward Members affected;

- (r) Notification to the party concerned of flyposting offences under the Town and Country Planning Act 1990.
 - (s) Power, in emergency circumstances, to make and serve Tree Preservation Orders, Building Preservation Notices and Stop Notices, in consultation with the Chairman of the Board and the Solicitor to the Council.
 - (t) Authority to reject High Hedges applications on the grounds of being frivolous or vexatious, or as insufficient attempts made to resolve without the involvement of the local authority.
 - (u) Authority, subject to consultation with the Local Ward Members, to either reject or uphold a High Hedges complaint once it has been registered and to issue any remedial notice.
 - (v) Authority to serve notices under section 215 of the Town and Country Planning Act 1990
- (ii) **Head of Development Control**
- (a) Authority to make representations on behalf of the Local Planning Authority in respect of Applications made pursuant to the Licensing Act 2003.
 - (b) Authority to make representations on behalf of the Local Planning Authority in respect of Applications made pursuant to the Gambling Act 2005.

D Powers Delegated to Area Forums

None.

**North Warwickshire
Borough Council**



**Scheme of Delegation to the
Assistant Chief Executive
and Solicitor to the Council
in respect of the Determination
of Planning Applications**

August 2010

1. INTRODUCTION

- 1.1 This Scheme of Delegation enables the Assistant Chief Executive and Solicitor to the Council to undertake certain functions without reporting first to the Council's Planning and Development Board. The legal basis for this delegation from the Board is contained in Section 101 of the Local Government Act 1972, as amended.
- 1.2 In practice, delegation means the Assistant Chief Executive and Solicitor to the Council taking executive action on behalf of the Council. In the delivery of the planning control service, that means determining planning applications, and making decisions on related matters. The 'boundaries' for this delegation are outlined below by clearly stated and published rules.

2. THE PURPOSE OF DELEGATION

2.1 The purpose of delegation is to:

- ❖ leave the Board to focus its time and effort on the most significant matters that affect planning policy;
- ❖ help reduce the time taken for making the more straightforward decisions on planning applications, and related matters, when they are consistent with Council policy as set out in the Development Plan;
- ❖ help the Council to achieve a more flexible and responsive planning control service, so that it can speed up the process of decision making in line with Government guidance, National Indicators and Council objectives;
- ❖ simplify procedures so as to concentrate effort and resources where they are most needed; and
- ❖ release staff time so that it can be redirected to securing better quality development.

2.2 Hence this Scheme of Delegation, by operating within clear guidelines, will be able to deliver planning control decisions which are consistent with the Development Plan, routinely, and with greater speed than where little advantage is taken of delegation.

3. THE CONTEXT OF DELEGATION

3.1 This Scheme of Delegation takes into account the following matters which have provided the background against which it has been adopted.

- ❖ **The Development Plan:** The Planning legislation describes the concept of a "plan-led" decision making process, whereby planning decisions should be taken in accordance with the Development Plan. The Council's approach to new development proposals is thus already laid out in this Plan, and decisions on individual planning applications can be made accordingly.

- ❖ **The Human Rights Act 1998:** This Act requires the Council to act in a way which is compatible with European Convention Rights. This Scheme of Delegation has been prepared in this knowledge.

3.2 The basis for delegation has generally been accepted by all Local Planning Authorities. It has worked successfully in achieving a more flexible service responding to the variety of calls placed upon an Authority's planning control function. The Scheme outlined below will take North Warwickshire Borough Council's planning control service forward with an improved service delivery.

4. THE SCHEME OF DELEGATION

A) Applications

4.1 The following applications that are submitted to North Warwickshire Borough Council for determination, will be decided by the Planning and Development Board, following consideration of a written report from the Assistant Chief Executive and Solicitor to the Council which will contain a written recommendation in all cases:

- a) All applications that constitute material departures from the Development Plan.
- b) All applications that are required to be accompanied by an Environmental Impact Statement.
- c) All applications where an approval will involve a legal agreement under Planning legislation.
- d) All applications that are made wholly, jointly, or on behalf of North Warwickshire Borough Council, whether on Borough Council land or not, and any application that is made on Borough Council land.
- e) All major applications that are made by the County Council, or that are made jointly, or on behalf of Warwickshire County Council whether on its own land or not, within North Warwickshire.
- f) Any application that is submitted by or on behalf of any Member of the Council and any member of staff employed by the Council.

- g) Any application where a request based on material planning considerations is made in writing to the Assistant Chief Executive and Solicitor to the Council by any Borough Councillor for referral of that application to the Board.
- h) Any application where the Assistant Chief Executive and Solicitor to the Council considers it appropriate to report to the Board for determination.
- i) Any application where a statutory consultee has submitted an objection in writing, but yet where a recommendation of approval is to be made by the Assistant Chief Executive and Solicitor to the Council.
- j) Any application where, following the receipt of representations that are contrary to the Assistant Chief Executive and Solicitor to the Council's recommendation, and where either the Chair or Vice Chairman of the Planning and Development Board, or the Local Ward Member(s), disagree with that recommendation.

4.2 In all other cases, the determination of applications is delegated to the Assistant Chief Executive and Solicitor to the Council. Each determination shall be accompanied by a written report outlining the reasoning for that determination.

4.3 For the purpose of the Scheme of Delegation, the terms "application" and "Statutory Consultee", are defined in Annexe 'A' to this Scheme.

B) Consultations

4.4 When an application is:

- ❖ submitted to the Warwickshire County Council as the Minerals Planning Authority, or the Waste Local Authority for determination, and North Warwickshire Borough Council has been consulted for its observations on that application, or
- ❖ when an application is submitted to a neighbouring Local Planning Authority for determination, and that Authority has consulted North Warwickshire Borough Council for its observations on that application, or
- ❖ when the Council is consulted by others on matters under legislation other than planning legislation, but where these matters are related to planning considerations, then

the principles outlined in paragraph 4.1 will apply as to whether the observations of the Council shall be made by the Assistant Chief Executive and Solicitor to the Council under delegated powers, or by the Planning and Development Board.

4.5 In all of the above cases, where the observations are forwarded by the Assistant Chief Executive and Solicitor to the Council under delegated powers, then:

- ❖ he will report to the Planning and Development Board on the observations made, and
- ❖ include on the file, the reasoning behind these observations.

4.6 For the purposes of this Scheme of Delegation, examples of the other legislation referred to in paragraph 4.4 is included in Annexe A to this Scheme.

5. MEMBER INVOLVEMENT

5.1 Members and officers work together to determine planning applications. This Scheme of Delegation recognises that there are good reasons for, and advantages in, delegating some decisions to the Assistant Chief Executive and Solicitor to the Council. However, given the high public profile of planning matters, it is inevitable that Members will often become involved in the planning control service during the passage of a planning application through the process. In order to ensure that there is a strong partnership of Members and Officers, but that their respective roles are identified and maintained, the following Best Practice guidelines will be followed:

- ❖ For the purposes of paragraph 4.1 (g) and (j) above, as soon as it becomes apparent that the recommendation of the Assistant Chief Executive and Solicitor to the Council will be contrary to the nature of representations received on any application, then the case officer will contact the Local Ward Member(s), together with the Chair and Vice Chairman of the Planning and Development Board. If no adverse comments are received within seven days, then the matter will be dealt with in line with the Assistant Chief Executive and Solicitor to the Council's recommendation under delegated powers. A record of this contact will be kept on the case file. Contact will be made as early as possible via e-mail, in order to ensure full Member involvement.
- ❖ Ward briefings, either individually or on a group basis, will be held with Members at their request so that they can be kept up to date with applications and their progress towards determination, and other significant 'ward' issues. Current applications and plans can be made available for discussion.
- ❖ All 'significant' applications to be reported to the Board and Ward Members to enable site visits to be organised at an early stage.
- ❖ Issues and Progress reports will be circulated to the Board and Ward Members either by notification or through a report on major and/or sensitive applications, prior to the determination report, so that the material considerations and key matters can be made explicit at an early stage.
- ❖ Regular post-decision site visits to be made to assess the quality of the decision, and to see the implementation of the scheme, so that there can be continuous monitoring of the quality of decision making.

5.2 The procedure outlined above in respect of Member involvement, will also apply to proposed amendments to development proposals.

6. REVIEW DATE

6.1 This Scheme of Delegation will be reviewed by April 2013.

Planning Protocol for Members and Officers dealing with Planning Matters

1. Introduction

This Protocol applies to all Members and officers who become involved with the Planning system. It is not therefore restricted to Planning and Development Board Members and planning officers. The successful operation of the planning system relies on mutual trust between Members and officers, and an understanding of each others' roles. It also relies on each acting in a way which is not only fair and impartial, but also clearly seen to be so.

2. The Need for Guidance

2.1 Planning is not an exact science. Rather, it relies on informed judgement within a firm policy context. It is also highly contentious because its decisions affect the daily lives of everyone and the private interests of individuals, landowners and developers. This is heightened by the openness of the system (it actively invites public opinion before taking decisions), and the legal nature of development plans and decision notices. It is important, therefore, that the process is characterised by open and transparent decision making.

2.2 One of the key purposes of the planning system is to control development in the public interest. In performing this role, planning necessarily affects land and property interests, particularly the financial value of landholdings, and the quality of their settings. It is important, therefore, that the Council, as a local planning authority, should make planning decisions which affect those interests, openly, impartially, with sound judgement, and for justifiable reasons. The process should leave no grounds for suggesting with any justification that a decision has been partial, biased or not well-founded in any way.

3 Status of the Planning Protocol

3.1 This Planning Protocol takes account of the Council's Members Code of Conduct ("the Code of Conduct"), the Council's Protocol on Member/Officer Relations, the Royal Town Planning Institute's Code of Professional Conduct, the findings of the inquiries into the conduct of other Local Planning Authorities, advice issued by the Audit Commission, the Commissions for Local Administration in England and Wales (commonly known as the Ombudsmen), and the National Development Control Forum (now the National Planning Forum). In particular, it is based on the guidance issued in 2002 by the Local Government Association on a local code for dealing with planning matters.

3.2 The Code of Conduct is a general document and does not provide any detailed and specific guidance on what matters a Member is entitled to take into account when dealing with planning matters, what is proper behaviour with an applicant, nor about being lobbied (by applicants or objectors) or lobbying others. This Planning Protocol provides more specific guidance and is concerned with the integrity of the planning system. It is designed to give the public greater confidence that the Council is keen to operate, and to be seen to operate, fairly and openly. It is complementary to the Code of Conduct and the Protocol on Member/Officer Relations.

4. The General Role and Conduct of Members and Officers

- 4.1 Members and officers have different, but complementary, roles. Both serve the public, but Members are responsible to the electorate, while officers are responsible to the Council as a whole. Officers advise Members and the Council, and carry out the Council's work. They are employed by the Council, not by individual Members, no matter what position those Members hold, and it follows that instructions may only be given to officers through a Council or Board decision. A successful relationship between Members and officers can only be based on mutual trust and understanding of each others' positions supported by good communication. This relationship, and the trust which underpins it, must never be abused or compromised.
- 4.2 The Code of Conduct provides guidance and standards for Members. Breaches of this code may be reported to the Council's Standards Committee. The Committee has the power to take action against a Member who is guilty of a breach of the Code of Conduct, including the suspension or disqualification of a Member from office. The Code of Conduct for Officers forms part of each officer's terms and conditions of employment and is detailed in Part 5 of the Constitution. Breaches of the code will be dealt with under the Council's Disciplinary Procedures and Officers are also governed by the rules of their professional organisations. Thus Planning Officers who are Chartered Town Planners are guided by the Royal Town Planning Institute's (RTPI) Code of Professional Conduct, and Solicitors are governed by the Law Society's Professional Conduct Rules. Breaches of these rules may be the subject of disciplinary action by the relevant professional body.
- 4.3 The Code of Conduct covers issues central to the preservation of an ethical approach to council business, including the need to register and declare interests, but also appropriate relationships with other Members, staff and the public, which will impact on the way in which Members participate in the planning process. Some of these issues are expanded upon in the Protocol on Member/Officer Relations. Of particular relevance to Members serving on the Planning and Development Board or who become involved in making a planning decision (e.g. where full Council deals with a planning matter) is the requirement that a Member:

“must not in his official capacity, or any other circumstance, use his position as a Member **improperly** to confer on or secure for himself or any other person, an advantage or disadvantage”
(Paragraph 5(a) of Code of Conduct)

The basis of the planning system is the consideration of private proposals against wider public interests. Much is often at stake in this process, and opposing views are often strongly held by those involved. Whilst Members should take account of these views, they should not favour any person, company, group or locality, nor put themselves in a position where they appear to do so. **Members who do not feel that they can act in this way should consider whether they are best suited to serve on the Planning and Development Board.**

- 4.4 Members should also be very cautious about accepting gifts and hospitality. The Code of Conduct requires any Members who receive any gift or hospitality (in their capacity as a Member) over the value of £25, to provide written notification to the Monitoring Officer within 28 days. Details of the gift or hospitality are placed in a register, which is open to inspection by the public.

4.5 Officers must always act impartially. In order to ensure that senior officers do so, the Local Government and Housing Act 1989 enables restrictions to be set on their outside activities, such as Membership of political parties and serving on another Council. The Council carefully considers which of its officers are subject to such restrictions and reviews this regularly. During the course of carrying out their duties, officers may be offered hospitality from people with an interest in a planning proposal. If possible, such offers should be declined politely. If receipt of hospitality is unavoidable, officers should ensure it is of minimum level and declare its receipt as soon as possible. A register for the declaration by officers of gifts and hospitality is maintained by the Monitoring Officer, and regularly reviewed by him.

5. Registration and Declaration of Interests

5.1 The Local Government Act 2000 and the Code of Conduct place requirements on Members on the registration and declaration of their interests, and the consequences for the Member's participation in consideration of an issue, in the light of those interests. These requirements must be followed scrupulously, and Members should review their situation regularly. Guidance on the registration and declaration of interests has been issued by the former Standards Board for England (see www.standardsforengland.gov.uk) Advice may be sought from the Council's Monitoring Officer, however, ultimate responsibility for fulfilling the requirements rests individually with each Member.

5.2 A register of Members' interests is maintained by the Monitoring Officer, and is available for public inspection. A Member must provide the Monitoring Officer with written details of relevant interests within 28 days of his election or appointment to office. Any changes to those interests must similarly be notified within 28 days of the Member becoming aware of such changes.

5.3 The Code of Conduct abandons the use in the old National Code of Local Government Conduct of the terms "pecuniary" and "non-pecuniary" interests. Instead, it uses the terms "**personal**" and "**prejudicial**" interests without reference to the interest being a financial or non-financial one. Under the Code of Conduct, a Member will have a personal interest in any matter under discussion if:

(a) the matter relates to an interest in respect of which the Member has given notice in the statutory register of Members' interests; or

(a) the decision upon it might reasonably be regarded as affecting, **to a greater extent than other council tax payers, ratepayers or inhabitants of the authority's area**, the well-being or financial position of themselves, or a relative or friend, or

- any employment or business carried on by such persons;
- any person who employs or has appointed such persons, any firm in which they are a partner or any company of which they are directors;
- any corporate body in which such persons have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
- any body, Membership of which the Member is required to register in the statutory register of interests, in which such person hold a position of general control or management.

5.4 Where a Member considers that he has such a personal interest in a matter, he must always declare the existence and nature of the interest, **but it does not necessarily**

follow that the personal interest debars the Member from participation in the discussion.

- 5.5 The Member then needs to consider whether the personal interest is also a **prejudicial** one. The Code of Conduct provides that a personal interest becomes a prejudicial one "...if the interest is one which a Member of the public **with knowledge of the relevant facts** would **reasonably** regard as so significant that it is likely to prejudice the Member's judgement of the public interest". If a Member has such an interest, he should not participate in any discussion on the matter, and the Code of Conduct requires that he should leave the room during the consideration of the matter.
- 5.6 The Code of Conduct includes some exceptions to this. For example, the Member's interest **may not be regarded as prejudicial** if the matter under discussion relates to:
- another authority (e.g. County Council or Parish Council) of which he is a Member
 - another public authority in which he has a position of general management or control
 - a body to which he has been appointed or nominated as a representative by the authority.

In those circumstances, the Member would need to declare the interest, but could participate in the discussion and voting on the matter.

- 5.7 It can be seen that these provisions of the Code of Conduct are an attempt to separate out interests arising from the personal and private interests of the Member, and those arising from his wider public life. The emphasis is on a consideration of the status of the interest in each case by the Member personally, and included in that judgement is a consideration of the perception of the public, acting reasonably and with knowledge of the facts
- 5.8 Translated to a Member's involvement in planning issues, the two stage test of personal and prejudicial interests will, as now, require a Member to abstain from involvement in any issue the outcome of which might advantage, or disadvantage, the personal interests of the Member, his family, friends or employer. **The declaration of interest and, where necessary, abstention from involvement, should apply not just at the meeting of the Planning and Development Board, but also at informal meetings or discussions with officers or other Members.**
- 5.9 The exceptions made to the definition of prejudicial interests relating to Membership of outside bodies mentioned above are attempts to clarify the nature of such interest and to encourage participation in such cases. It appears that too often in the past, Members have been prevented from participation in discussion in such circumstances, on the basis that mere Membership of another body constituted an interest that required such a prohibition, even in cases where the Member was only on that body as a representative of the Council.
- 5.10 When considered in the context of planning matters, this approach will require the exercise of particular judgement on the part of the Member. The use of the term "prejudicial" to describe the interest is helpful here. If the planning matter under consideration relates to another body on which the Member serves, the exemption in the Code of Conduct would suggest that the Member could participate in a decision on that matter – i.e. Membership of that body could not be considered per se a prejudicial interest, which would bar the Member from participating.

5.11 However, if a Member, in advance of the decision-making meeting had taken a firm view on the planning matter, either in meetings of the other body or otherwise, he would not be able to demonstrate that, in participating in the decision, all the relevant facts and arguments had been taken into account – he would have fettered his discretion. Were he to participate in the decision-making in those circumstances, he might place the authority in danger of judicial review. So the exemption in the Code of Conduct would only operate in the planning context if the Member had scrupulously avoided forming a fixed view on the issue in advance. This is the general approach taken by this guidance on appropriate conduct in relation to Membership of other bodies and the effects of such Membership on participation in the planning decision-making process. It is expanded in section 7 on lobbying.

6. Development Proposals Submitted by Members and Officers, and Development by the Council.

6.1 All applications by serving Members and officers or by the Council itself will be determined by the Planning and Development Board (i.e. they will not be determined by the Assistant Chief Executive and Solicitor to the Council under his delegated powers).

6.2 All Members or officers who submit a planning application or who have a planning application submitted on their behalf shall ensure that they notify the Assistant Chief Executive and Solicitor to the Council of that submission in writing.

6.3 The consideration of an application from a Member in such circumstances will be a prejudicial interest under the Code of Conduct, and as such, the Member will be required to withdraw from any consideration of the matter. The Code of Conduct also provides that a Member should “not seek **improperly** to influence a decision about the matter”. This does not imply that a Member should have any less rights than a Member of the public in seeking to explain and justify his application to a planning officer in advance of consideration by the Planning and Development Board.

6.4 All applications by a Member or an officer which are reported to Planning and Development Board will be designated as a Member or an officer application on the face of the agenda.

6.5 Serving Members who act as agents for people pursuing planning matters with the Council should play no part in the processing or determination of those applications

7. Lobbying of and by Members

7.1 Lobbying is a normal and perfectly proper part of the political process. Those who may be affected by a planning decision will often seek to influence it through an approach to their elected Ward Member or a Member of the Planning and Development Board. As the Nolan Committee’s Third Report states: “It is essential for the proper operation of the planning system that local concerns are adequately ventilated. The most effective and suitable way that this can be done is via the local elected representatives, the Councillors themselves” (paragraph 288).

7.2 However, such lobbying can, unless care and common sense are exercised by all the parties concerned, lead to the impartiality and integrity of a Member being called into question. When being lobbied, Members, particularly those who sit on the Planning and Development Board, should take care about expressing an opinion which may be

taken as indicating that they have already made up their mind on the issue before they have been exposed to all the evidence and arguments. In such situations, they should restrict themselves to giving procedural advice, including suggesting to those who are lobbying, that they should speak or write to the relevant planning officer, in order that their opinions can be included in the officer's report to the Board. If they do express an opinion, they should make it clear that they will only be in a position to take a final decision after having heard all the relevant evidence and arguments at the Board meeting. That evidence and argument will relate to planning considerations and not the personal circumstances of individuals.

- 7.3 Members generally, and in particular those who sit on the Planning and Development Board, need to take account of the general public's (and the Ombudsman's) expectation that a planning application will be processed and determined in an open and fair manner, in which Members taking the decision will take account of all the evidence presented before arriving at a decision, and that to commit themselves one way or another before hearing all the arguments makes them vulnerable to an accusation of partiality. Determination of a planning application is a formal administrative process involving rules of procedure, rights of appeal and an expectation that people will act reasonably and fairly. There is an added possibility that an aggrieved party may seek judicial review of the way in which a decision has been arrived at; or complain to the Local Government Ombudsman on grounds of maladministration; or to the Standards Committee that a Member has breached the Code of Conduct.
- 7.4 In reality, of course, Members will often form a judgement about an application early on in its passage through the system, whether or not they have been lobbied. The difficulty created by the nature of the Planning and Development Board's proceedings as set out in paragraph 7.3, is that Members of the Board should not openly declare which way they intend to vote in advance of the Board meeting, and of hearing evidence and arguments on both sides.
- 7.5 Political reality suggests that it is often important to distinguish between the role of a Planning and Development Board Member who is a Ward Member for the area affected by a particular planning application, and one who is not. A Planning and Development Board Member who does not represent the Ward affected is in an easier position to adopt an impartial stance, however strong his or her feelings about the application may be, and to wait until the Board meeting before declaring one way or another.
- 7.6 A Planning and Development Board Member who represents a Ward affected by an application is in a difficult position if it is a controversial matter around which a lot of lobbying takes place. If the Member responds to lobbying by deciding to go public in support of a particular outcome – or even campaigning actively for it – it will be difficult for that Member to argue convincingly, when the Board comes to take a decision on the application, that he or she has carefully weighed the arguments presented – perhaps in some respects for the first time – at the meeting. Whilst in most circumstances this would not amount to a prejudicial interest in terms of the Code of Conduct, the proper course of action for such a Member would be to make a declaration of his or her position and not vote. Provided that the Member does not have a prejudicial interest, this course of action would not prevent him or her speaking on the application at the Planning and Development Board meeting.
- 7.7 Where there are two or three Members representing a Ward or area, and only one is a Member of the Planning and Development Board, it may be more appropriate for the Members who are not Members of the Board to represent local opinion on

controversial issues. This will prevent the Board Member being put in the position outlined in paragraph 7.6.

- 7.8 There may also be occasions when a Member is asked to present the case for an applicant or objector to the Planning and Development Board. This is a perfectly proper part of the role of representing a constituent. To do so does not necessarily mean that the Member agrees with the case he is being asked to present; nor does it mean that the Member necessarily has to vote in accordance with the wishes or views of the person whose case he has presented.
- 7.9 It should be evident from the previous paragraphs that it is very difficult to find a form of words which conveys every nuance of these situations and which gets the balance right between the duty to be an active local representative and the requirement when taking decisions on planning matters to take account of all arguments in an open-minded way. It cannot be stressed too strongly, however, that the striking of this balance is ultimately the responsibility of the individual Member. The following points are, however, offered as guidance:
- Given that the point at which a decision on a planning application is made cannot occur before the Planning and Development Board meeting, when all available information is to hand, and has been duly considered, any political group meeting prior to the Board meeting should not be used to decide how Members should vote. The view of the Ombudsman in relation to the former national code was that the use of political whips to seek to influence the outcome of a planning application could amount to maladministration. There is nothing in the Code of Conduct which would serve to change this advice.
 - With the exception in some circumstances of Ward Members, whose position has been covered in the preceding paragraphs, Members should in general avoid organising support for or against a planning application, and avoid lobbying other Members. Such actions can easily be misunderstood by parties to the application and by the general public.
 - Members should not put improper pressure on officers for a particular recommendation, and, as required by the Code of Conduct, should not do anything which compromises, or is likely to compromise, their impartiality.
- 7.10 Members who are unsure as to whether an interest should be declared should seek the advice of the Assistant Chief Executive and Solicitor to the Council, although, as indicated above, the decision rests with the Member.
- 7.11 Members who do not sit on the Planning and Development Board will have greater freedom than Board Members. They are still, however, bound by the Code of Conduct as explained in paragraphs 4.2 to 4.4 of this Protocol. Should they be called upon to determine an application at full Council then the guidance set out in this section will apply to that determination.

8. Pre-Application Discussions

8.1 Discussions between a potential applicant (or an agent on behalf of the applicant) and the Council prior to the submission of an application can be of considerable benefit to both parties. This is encouraged by the Audit Commission ("Building in Quality" paragraph 56), the Local Government Association and the National Planning Forum. However, it would be easy for such discussions to become, or be seen (especially by objectors) to become, part of a lobbying process.

8.2 In order to avoid such problems, pre-application discussions should take place within the guidelines set out in the following paragraphs. Although the term 'pre-application' has been used, the same considerations should apply to any discussions with applicants which take place before a decision is taken, or where following a decision there are discussions about amendments or changes to a proposal.

8.3 Officers.

8.3.1 Processing applications (including any discussions or advice before submission of an application) is normally the responsibility of officers, which ensures that the proper level of professionalism and expertise is available. The process includes advice and guidance on the Council's policies, discussions and negotiations about the proposal and the merits of the application, and gathering information either to prepare the report to Planning and Development Board, or for the Assistant Chief Executive and Solicitor to the Council to take the decision under delegated powers. The following guidelines should apply:

- Officers will advise the applicant whether the decision is one which falls within the Assistant Chief Executive and Solicitor to the Council's delegated powers or whether the decision will be taken by the Planning and Development Board;
- It should always be made clear at the outset of any pre-application meeting that the discussions will not bind the Council to making a particular decision, and that any views expressed are personal and provisional. By the very nature of such meetings, not all relevant information will be to hand, nor will consultation with interested parties have taken place;
- Advice should be consistent, especially where more than one officer is involved, and should be based on the Development Plan and other material considerations.
- A written note should be made of all meetings (if possible, immediately after the meeting), and this should be placed on the application file as soon as possible. A written note should also be made of similar telephone discussions.

8.3.2 Where an application of particular significance for determination by the Planning and Development Board is likely to be made, the Chairman of the Board, Ward Members and lead Members from each political group shall be informed of the nature of the proposal as soon as possible.

8.4 Members

8.4.1 For their own benefit and protection, Members should generally seek to avoid pre-application meetings. Such meetings with potential applicants bring Members into an

environment where the merits of proposals are discussed, and this may compromise a Member in taking an impartial stance when the application comes before the Planning and Development Board for decision.

- 8.4.2 If an applicant requests such a meeting with a Member, the Member should explain the difficulties of such a meeting, and offer to arrange a meeting between the applicant and the relevant Planning Officer.
- 8.4.3 In exceptional circumstances, the Planning and Development Board may authorise particular Members to attend a presentation by an applicant or his agent. Officers will normally arrange such presentation, and attend with Members. At the start of such presentation, officers will explain that it is taking place at the request of the applicant and that the merits of the case will not be discussed. Members and officers will, of course, be free to ask questions about the proposal as part of the presentation. If the applicant requests the views of the authority, these will be communicated subsequently and in writing. In such communication, officers will make it clear that any views expressed prior to formal determination of an application are preliminary.

9. Decisions delegated to Officers

- 9.1 The Council has adopted, and keeps under review, a formal "Scheme of Delegation to the Assistant Chief Executive and Solicitor to the Council in respect of determination of Planning Applications". This is set out in Appendix B to Part 3 of the Constitution. It states clearly which applications will be reported to the Planning and Development Board for determination. All other applications will be determined by the Assistant Chief Executive and Solicitor to the Council under her delegated powers.
- 9.2 In particular, the Board will determine "any application where a request based on material planning considerations is made in writing to the Assistant Chief Executive and Solicitor to the Council by any Borough Councillor for referral of that application to the Board" [para 4.1(g) of the Scheme]. Any Member who is unsure whether his/her concerns about an application constitute a material planning consideration is invited to contact the relevant officer to discuss the issue. Where possible, the officer will assist the Member in framing his/her concerns where there is a material planning consideration.
- 9.3 Where a delegated decision can be made and where a consultation response runs contrary to the likely officer decision Ward Members are contacted and given the opportunity to request that the case be referred for Board to make the decision. The test in the preceding paragraph is used to ensure there are planning reasons for such a request..
- 9.4 All Members are circulated applications and decisions on a weekly basis and can use this information to track the progress of particular applications and the method of decision.

10. Officers' reports to Planning and Development Board

- 10.1 It is important for the Council to be able to demonstrate in its decision making that there has been adequate consideration of all the relevant issues; consistency; and clear reasoning leading to the decision. Officers' reports to the Board will therefore:
- Be in writing;

- Be accurate, and cover, amongst other things, the substance of any objections, and the views of those consulted;
- Contain clear references to the Development Plan; site or related history; and other material considerations;
- Have a clear recommendation – for approval with conditions, or for refusal with reasons;
- If any recommendation is contrary to the provisions of the Development Plan, the material considerations which justify the departure will be clearly stated.

11. Decisions contrary to Officer’s Recommendation

- 11.1 Whilst in strict legal terms the Planning and Development Board is under no obligation to follow the advice of officers, s.38 (6) of the Planning and Compulsory Purchase Act 2004 provides that any planning determination shall be in accordance with the development plan unless material considerations indicate otherwise. Thus, there must always be clear and convincing planning reasons for the Board’s decision. If decisions are taken for non-planning reasons, or for reason which are not sustainable at an appeal, there is the potential for an award of costs to be made against the Council. Therefore if the Board makes a decision contrary to the officer’s recommendation (whether for approval or refusal), a detailed minute of the Board’s reasons should be made and a copy placed on the application file. Officers should also be given the opportunity to explain the implications of the contrary decision before it is taken.
- 11.2 Any Member who is contemplating proposing a motion to refuse an application contrary to the officer’s recommendation should contact the relevant officer to discuss his/her intention. The officer will advise the Member whether the Member’s concerns would constitute a valid planning reason for refusing permission; and if so, assist the Member in drafting reason[s] for refusal. The Board will be advised as to the strength of the suggested reason for refusal and any possible financial implications for the Authority.

12. Planning and Development Board Site Visits

- 12.1 The purpose of a visit to an application site is for Members to gain information on relevant planning issues relating to the site which is not available from officers’ reports (including in response to Members’ questions at the Board meeting) in order to assist Members in reaching their decision. It is not to provide a forum for debate and discussion on the merits of the application. Site visits can cause delay and additional costs for an applicant, and should only be requested where the expected benefit from such a visit is substantial. Agendas are published well ahead of meetings and Members have the chance to visit sites before debate at Board.
- 12.2 A request from the Ward Member for a site visit is a proper part of the representative role of the Ward Member, and should normally be acceded to, although the ‘substantial benefit’ test should still apply.
- 12.3 All site visits will be conducted subject to the following criteria:
- A site visit will only take place once authorised by the Board
 - Authorised attendance at a site visit shall be limited to Members of the Planning and Development Board, local Ward Members, relevant officers, the applicant

together with his or her representative, and any objector (or a representative of a group of objectors) whom the Board considers should be invited to be present (e.g. where it is claimed that a proposed development will have a significant impact on a neighbouring property)

- At a site visit, all communication between parties (the applicant or his agent, objectors, and Members and officers) should be led by and conducted through the Assistant Chief Executive and Solicitor to the Council or his representative,
- There shall be no discussion of the merits of the application during the site visit. Such discussion shall only take place at a meeting of the Planning and Development Board
- Applicants, objectors, or their representatives shall not be permitted to make representations to Members of the Board during a site visit. They may, however, give purely factual information which is requested by Members and which cannot be ascertained by viewing alone.
- At the Planning and Development Board at which the application is considered, the Assistant Chief Executive and Solicitor to the Council will draw Members attention to any material considerations which arise as a result of the site visit
- The written notification of the site visit will set out these criteria so that all those attending are aware of them

13. Regular Review of Decisions

- 13.1 Members shall on an annual basis undertake a review and visit a sample of implemented planning permissions to assess the quality of the decisions. The aim of this will be to monitor and improve the quality and consistency of decision-making, thereby strengthening public confidence, and helping with reviews of planning policy.
- 13.2 Each review should include examples of a broad range of categories, e.g. major and minor development, permitted departures, upheld appeals, listed building works and enforcement cases. The Planning and Development Board shall formally consider the review and decide whether it gives rise to the need to reconsider any policies or practices.

14. Breaches of this Protocol

- 14.1 Any alleged breaches of this Protocol by a Member will be referred to the Council's Standards Committee. The Committee will consider whether the Protocol has been breached and will issue advice and guidance and, if appropriate, recommend action to be taken to the Council and/or Party Groups.
- 14.2 Any alleged breaches of this protocol by an officer will be dealt with under the Council's disciplinary procedures.

15. Review

- 15.1 This Protocol will be reviewed not later than 31 December 2013.

AUTHORISED OFFICER POWERS

A ASSISTANT CHIEF EXECUTIVE AND SOLICITOR TO THE COUNCIL

1. Authorised Officer powers for the purposes of the hackney carriage provisions contained in the Town Police Clauses Act 1847; and for the purposes of the hackney carriage and private hire provisions contained in Part II of the Local Government (Miscellaneous Provisions) Act 1976.
2. Authorised Officer powers for the purposes of Sections 14-17 of the Local Government (Miscellaneous Provisions) Act 1982; the Public Health (Control of Diseases) Act 1984; Licensing Act 2003 Authorised Officer Powers.

B ALL QUALIFIED ENVIRONMENTAL HEALTH OFFICERS, THE SENIOR POLLUTION CONTROL OFFICER, THE POLLUTION CONTROL OFFICERS WITHIN THE DIVISIONS OF THE ASSISTANT CHIEF EXECUTIVE AND SOLICITOR TO THE COUNCIL AND THE ASSISTANT DIRECTOR (HOUSING)

Authorised Officer powers for the purposes of the regulatory functions contained in the following Acts, including all Orders and Regulations made thereunder:

The Public Health Acts 1936-68
The Public Health (Recurring Nuisances) Act 1969
The Housing Act 1985
The Housing Act 1996
The Housing Grants, Construction and Regeneration Act 1996
The Building Act 1984
The Food and Environment Protection Act 1985
The Prevention of Damage by Pests Act 1949
The Clean Air Act 1993
The Control of Pollution Act 1974
The Pet Animals Act 1951
The Animal Boarding Establishments Act 1963
The Riding Establishments Acts 1964-1970
The Breeding of Dogs Act 1973
The Water Act 1945
The Slaughter of Poultry Act 1967
The Slaughterhouses Act 1974
The Local Government (Miscellaneous Provisions) Acts 1976 and 1982
The Scrap Metal Dealers Act 1964
The Civic Amenities Act 1967
The Refuse Disposal (Amenity) Act 1978
The Caravan Sites Act 1968
The Caravan Sites and Control of Development Act 1960
The Public Health (Control of Disease) Act 1984
The Dangerous Wild Animals Act 1976
The Health and Safety at Work Etc Act 1974
The Animal Health Act 1981
The Disease of Animals Acts 1950-1975
The Environmental Protection Act 1990
*The Food Safety Act 1990
The Environment Act 1995

The Pollution Prevention and Control Act 1999

The Licensing Act 2003 Part 3 Section 13 Responsible Authority

*The Student Environmental Health Officer is also an Authorised Officer but restricted to the purposes of powers of entry, sampling and inspection only.

C THE TECHNICIANS, TECHNICAL ASSISTANTS AND THE STUDENT ENVIRONMENTAL HEALTH OFFICER WITHIN THE DIVISIONS OF THE ASSISTANT CHIEF EXECUTIVE AND SOLICITOR TO THE COUNCIL AND THE ASSISTANT DIRECTOR (HOUSING)

Authorised Officer powers, restricted to powers of entry for the purpose of inspection and investigation only, in relation to the environmental health functions contained in the Acts listed at B above, including all Orders and Regulations made thereunder.

D ALL ENVIRONMENTAL HEALTH OFFICERS AND BUILDING INSPECTORS

Authorised Officer powers for the purposes of the Building Act 1984

E ALL ENVIRONMENTAL HEALTH OFFICERS AND THE FOOD SAFETY OFFICERS

Authorised Officers under Part III of the Food and Environmental Protection Act 1985, and all Orders and Regulations made thereunder.

F HOLDERS OF ALL ENVIRONMENTAL HEALTH OFFICER POSTS, THE SENIOR POLLUTION CONTROL OFFICER, THE POLLUTION CONTROL OFFICER POST, THE SCIENTIFIC OFFICER AND OTHER TECHNICAL POSTS IN THE DIVISIONS OF THE ASSISTANT CHIEF EXECUTIVE AND SOLICITOR TO THE COUNCIL AND THE ASSISTANT DIRECTOR (HOUSING)

Authorised Officers in relation to relevant parts of the Environmental Protection Act 1990, with the exception of Part I.

NB The holder of the post of Student Environmental Health Officer is also an Authorised Officer but restricted to the purposes of powers of entry, examination and investigation only.

G Environmental Health Manager, Senior Environmental Health Officer, Environmental Health Officer, Food Safety Officers and Food Technical Assistant of the Commercial and Licensing Team, be authorised officers under the European Communities Act 1972, Regulations No's 178, 852, 853, 882 and 2073.

H Food Safety Officers be authorised officers for enforcement under the Regulations and Orders made under the Food Safety Act 1990.

I Food Technical Assistant be authorised officers under the Food Safety Act 1990 and European Communities Act 1972 and regulations 178, 852, 853, 882 and 2073 (but only as regards the powers of entry, sampling and investigation).

J ALL OFFICERS OF THE DIVISIONS OF THE ASSISTANT CHIEF EXECUTIVE AND SOLICITOR TO THE COUNCIL AND THE ASSISTANT DIRECTOR (HOUSING)

Authorised Officers to seize dogs, under Section 5 of the Dangerous Dogs Act 1991.

K REFUSE COLLECTION AND RECYCLING MANAGER, TRANSPORT AND STREETScape MANAGER AND WORKSHOP FOREMAN

Authorised Officers under the Council's Off Street Parking Places Orders to remove or reposition vehicles parking in the Market Square, Atherstone, and at other car parks covered by the Orders.

L LICENSING ENFORCEMENT OFFICERS

Authorised to carry out all aspects of the Council's duties and responsibilities (including licensing access to premises) under the relevant provisions of the Local Government (Miscellaneous Provisions) Act 1976 and 1982; The Town Police Clauses Act 1847 and the Transport Act 1985, The Licensing Act 2003 and the Gambling Act 2005, including all Orders and Regulations made thereunder.

Authorised for the purposes of inspection and enforcement under the relevant provisions of the

- The Pet Animals Act 1951
- The Animal Boarding Establishments Act 1963
- The Riding Establishments Act 1964 and 1970
- The Breeding of Dogs Act 1973
- The Dangerous Wild Animals Act 1976
- House to House Collections Act 1939
- Lotteries and Amusements Act 1976
- Regulations made by the Council in respect of Street Collections under the Charitable Collections (Transitional Provisions) Order
- The Environmental Protection Act 1990
- The Clean Neighbourhoods Act 2005
- The Dogs (Fouling of Land) Act 196
- The Anti-Social Behaviour Act 2003

M ALL ENVIRONMENTAL HEALTH OFFICERS, FOOD SAFETY OFFICERS, SENIOR POLLUTION CONTROL OFFICERS, POLLUTION CONTROL OFFICERS AND ENVIRONMENTAL HEALTH MANAGERS

Authorised officers under the Licensing Act 2003 – Sections 59 and 63 for Responsible Authority response.

N FOOD SAFETY OFFICERS

Authorised for the purposes of inspection and enforcement under the relevant provisions of

- Food Safety Act 1990
- Health and Safety at Work Act 1974
- Product of Animal Origin (Third Country Imports) 2002
- The Environmental Protection Act 1990

(Powers under the Products of Animal Origin (Third Country Imports) 2002 may be exercised by the Environmental Health Manager, the Senior Environmental Health Officer or any qualified Environmental Health Officer).

O LICENSING ENFORCEMENT OFFICERS, SENIOR ENVIRONMENTAL HEALTH AND POLLUTION OFFICERS, ENVIRONMENTAL HEALTH OFFICERS, FOOD SAFETY OFFICERS, POLLUTION CONTROL OFFICERS, TECHNICAL ASSISTANTS AND ENVIRONMENTAL HEALTH MANAGERS

Authority under the Health Act 2006 and associated regulations to issue Fixed Penalty Notices in respect of the Smoke Free legislation.

P ENVIRONMENTAL HEALTH MANAGERS, SENIOR ENVIRONMENTAL HEALTH OFFICER, SENIOR POLLUTION CONTROL OFFICER, POLLUTION CONTROL OFFICERS AND ENVIRONMENTAL HEALTH OFFICERS.

Authority to carry out all aspects of the Council's duties and responsibilities under the relevant provisions of the Environmental Damage (Prevention and Remediation) Regulations 2009.

Q THE HEAD OF DEVELOPMENT CONTROL, THE PRINCIPAL PLANNING OFFICER AND THE SENIOR DEVELOPMENT CONTROL OFFICERS

These postholders have authority to sign delegated decisions in respect of planning and related applications

Agenda Item No 8

Planning & Development Board

12 September 2011

**Report of the Assistant Chief Executive
and Solicitor to the Council**

**Draft Core Strategy and
accompanying documents**

1 Summary

- 1.1 This report provides Members with the documents to accompany the Draft Core Strategy.

Recommendation to Executive Board

That Members comments be reported to Executive Board.

2 Consultation

2.1 Portfolio Holder, Shadow Portfolio Holder and Ward Members

- 2.1.1 Presentations have been arranged for Members on 7 September at 2.30 pm and 6.30 pm. These will provide Members the opportunity to ask any questions about the Draft Core Strategy as well as the documents referred to in this report.

3 Background

- 3.1 The Local Development Framework Sub-Committee considered on 6 July a Draft Core Strategy and suggested some minor changes. The LDF Sub-Committee then considered on 31 August the following documents to accompany the Draft Core Strategy:

- Sustainability Report
- Habitat Regulations Assessment Screening Report
- Equalities Impact Report
- Key Diagram
- Rural Proofing

These reports are available on the Council's website.

- 3.2 The LDF Sub-Committee recommended that all of the above documents be sent on to Board for their consideration and progression to public consultation.

4 Core Strategy

- 4.1 The Draft Core Strategy is attached as Appendix A. It outlines the Preferred Strategy that the Borough Council would look to implement. This is not the formal submission document but an opportunity for residents, businesses and other stakeholders to give their views on what is included and perhaps just as importantly what has not been included in the Draft Strategy.

5 Timetable

- 5.1 The following table gives Members the proposed timetable of the Draft Core Strategy with the intention of being able to report on the representations to the LDF Sub-Committee in March 2012.

<i>7 September</i>	<i>Member training – 2.30pm and 6.30pm</i>
<i>12 September</i>	<i>Planning & Development Board</i>
<i>13 September</i>	<i>Executive Board</i>
<i>28 September</i>	<i>Full Council</i>
<i>late October</i>	<i>Consultation start for 12 weeks</i>
<i>March 2012</i>	<i>LDF Sub-committee</i>
<i>April 2012</i>	<i>Executive Board</i>

6 Consultation

- 6.1 The consultation on the Draft Core Strategy will last for 12 weeks and include:
- Information on the web
 - Documents to be physically available in libraries and one stop shop
 - Manned and unmanned displays in various locations throughout the Borough
 - Mail shot, either by post or by email, letting those on LDF database know of consultation process
 - Article in North Talk
 - Press releases
 - Presentations to Area Fora
 - Manning a stall at Dickens Night and Coleshill Farmers Market
 - Talks / presentations to specific groups and partners, such as Warwickshire Race Equality Partnership, Old People's Forum, various Disability Groups, CAVA and other voluntary organisations, etc.

7 Report Implications

7.1 Environment and Sustainability Implications

- 7.1.1 A key role of the Draft Core Strategy is to ensure that development is sustainable and that the rural nature of the Borough is maintained. The North Warwickshire Sustainable Community Strategy 2009 – 2026 is a key influence for the draft core strategy as highlighted in the report. In particular success with achieving the priority of "Raising aspirations, educational attainment and

skills”, will be significantly influenced by the development outcomes for housing and employment. An example of this is the current work associated with the Birch Coppice Section 106 which is developing a number of training, skills and employment opportunities for local communities.

7.2 Human Resources Implications

7.2.1 The Forward Planning Team will carry out the consultation process with assistance from colleagues in the Development Control team. The next stages of the local development framework work will be brought back to Members.

7.3 Financial Implications

7.3.1 The cost of the consultation process will be drawn from the current Local Development Frameworks budget.

7.3 Links to Council’s Priorities

7.3.1 This report is linked to all the Council priorities.

The Contact Officer for this report is Dorothy Barratt (719250).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date

PREFACE

Welcome to the Draft Core Strategy which sets out the strategic planning policies that the Borough Council, with its partners, will pursue over the next 10 to 20 years. This may seem a long time especially in this fast moving world but the policies in this Core Strategy have been written to give them some flexibility and longevity as well as give the framework for other planning policies that will make up the Local Development Framework.

The key priority is to keep the rural nature of the Borough and to ensure that when entering North Warwickshire it is clearly defined as being rural with a high quality of environment. It also seeks to tackle the key issues that the Borough faces of health, skills, and access to services and facilities, including affordable housing.

Your views are critical at this stage in the process because changes can still be made to this Plan. So if you know of something that should be in this document please let us know. Following consideration of the representations from this stage we will produce the final version of the Strategy. Only if there are issues that make this document unsound will further changes then be made.

Councillor Ray Sweet
Chairman, LDF Sub-Committee

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1 Introduction

What is a Core Strategy?

- 1.1 The Core Strategy is just one of the many documents that will build to make up the Local Development Framework (LDF) for the Borough. It contains planning policies to guide the development and use of land which affect the nature of places and how they function at a strategic level. The Core Strategy will therefore deliver the North Warwickshire Sustainable Community Strategy's vision by seeking quality sustainable development in the right place at the right time. It looks forward to 2026 as well as giving an indication of where and how development will take place beyond this time frame in order to ensure a continuous supply of land. The Core Strategy explains how much and what type of development there will be and where this will generally be located. Policies in this Core Strategy are thus broad Borough-wide policies. It is intended that the Core Strategy has been written so as to allow some flexibility whilst protecting the important aspects of the Borough.
- 1.2 The policies within the Core Strategy are interrelated and therefore the document should be read as a whole. It should be read alongside the saved policies from the North Warwickshire Local Plan 2006 as some policies in that plan will remain in force until replaced by policies in later LDF documents. (See Appendix A for more information). Although in the process of being abolished it should also be read alongside the emerging West Midlands's Regional Spatial Strategy to give a full picture of the planning framework for the Borough, as well as the National Planning Policy Framework (NPPF), Minerals and Waste Local Development Documents prepared by the County Council. Together these plans make up the statutory planning framework for the Borough. All subsequent LDF documents as well as any Neighbourhood Plans or Neighbourhood Development Orders must be in conformity with it and follow its approach.
- 1.3 The Core Strategy is supported by a Sustainability Appraisal (SA) which incorporates Strategic Environmental Assessment (SEA) requirements to ensure that the strategy accords with the principles of sustainable development and an Appropriate Assessment (AA) to demonstrate that the policies in this plan do not harm European designated sites for nature conservation. This work was carried out by an independent consultant. The outcome of this work is explained and presented in a separate report.
- 1.4 A key diagram accompanies this Core Strategy showing the key strategic policies. A Proposal Map Development Plan Document will show the detailed geographical items and indicate where there are proposed changes to the Proposals Map contained within the North Warwickshire Local Plan 2006. Supplementary Planning Documents (SPD) will be used to add more detail and give guidance on how the Council will implement specific policies.

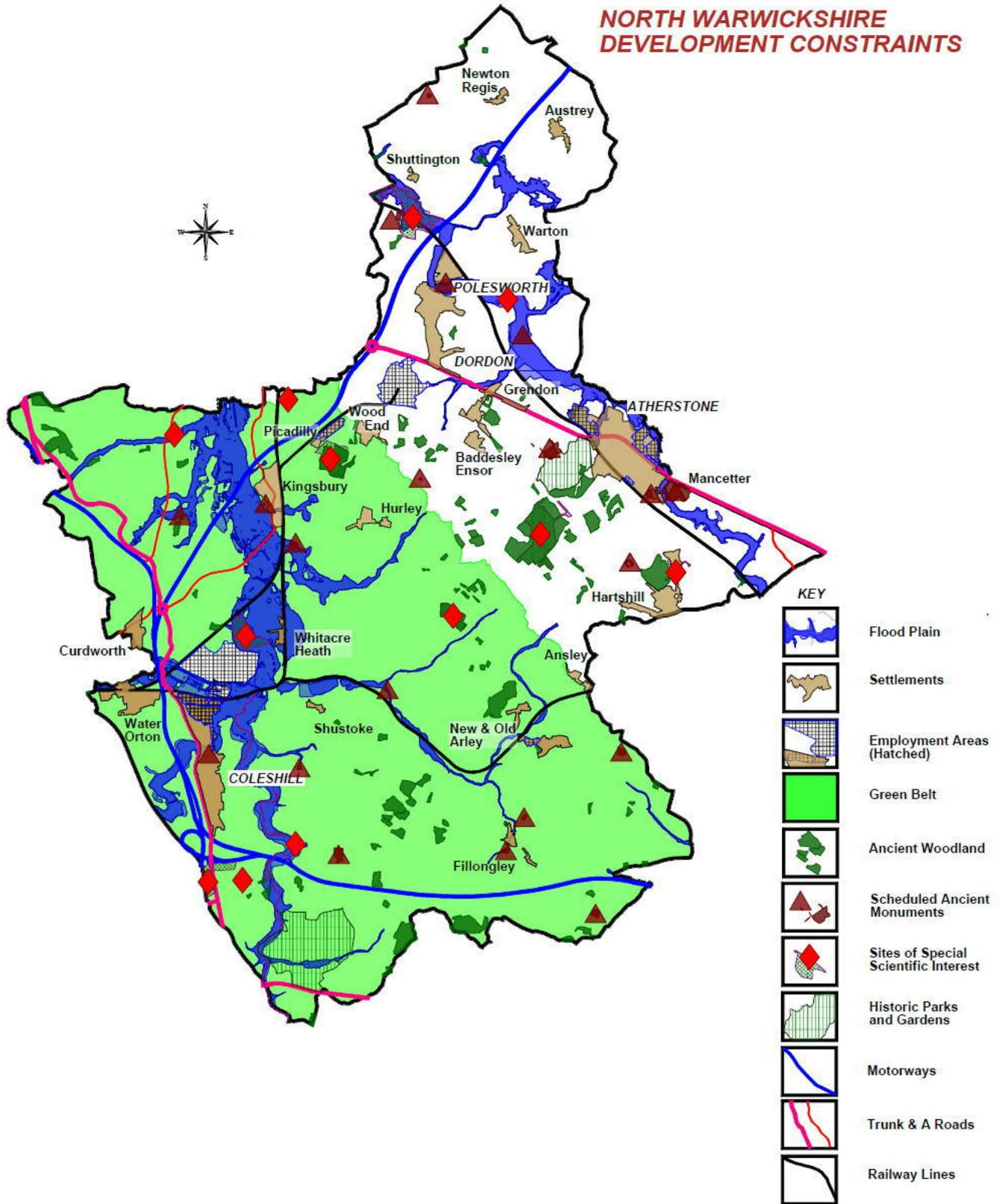
- 1.5 This Core Strategy takes in to account a number of other documents, including strategies, studies and other information, such as Ministerial letters. These are outlined in Appendix B. Many of the documents and, in particular, the regional documents will change over the coming years as Government proceeds with the abolition of Regional Spatial Strategies.
- 1.6 Consultation with stakeholders has shaped this draft Core Strategy. As a result of the consultation and especially the specific Issues and Options consultation, the preferred option of allowing development of the appropriate size and scale in a variety of settlements will be pursued, guided by the settlement hierarchy. The settlement hierarchy is based on an assessment of the services, facilities and sustainability of the various settlements within the Borough. This builds on work previously undertaken for the Local Plan and has been updated to ensure it reflects the current situation.
- 1.7 In addition to delivering North Warwickshire's development needs there is also a potential requirement to consider the needs of adjoining authorities. The Draft Regional Spatial Strategy required this consideration, in particular, in the event there is insufficient capacity within Tamworth's area to accommodate their employment requirement. There is no such requirement in relation to housing, although it has been identified in Tamworth Core Strategy Housing policies that land in North Warwickshire is preferred to cater for future potential housing growth. The draft Core Strategy is being written at a time when the Duty to Co-operate is being introduced by the Decentralisation and Localism Bill therefore in order to give this Core Strategy longevity and flexibility, consideration of these issues needs to be undertaken.
- 1.8 This document has been assessed through:
- Sustainability Appraisal (Land Use Consultants)
 - Rural Proofing
 - Equalities Impact Assessment
 - Habitat Regulations Assessment (Screening report by Land Use Consultants)

2 Spatial Portrait

- 2.1 This Spatial Portrait gives the story of the Borough and the issues that it faces. It includes not just the traditional aspects related to land-use planning but it also includes other information / issues that have an impact on how land is used, such as, health, skills and training. All of this information provides an image of the Borough which then feeds into the strategic policies.
- 2.2 North Warwickshire is a rural Borough with over 50 settlements as shown on Map 1, covering 110 square miles / 28,526 ha / 285 km². The settlements range in size from Atherstone, if considered with Mancetter, which exceeds a population of 10,000 to small hamlets. Atherstone, Coleshill and Polesworth are the three market towns and are important to the health of the surrounding rural economy as they provide many services and facilities to the outlying hinterland.
- 2.3 The Borough lies between Birmingham, Solihull, Coventry, Nuneaton and Hinckley, all of which are growth areas. No growth from these areas is expected to take place in the Borough in the plan period. However to the north-west lies Tamworth. Although not a growth area it is a town constrained by tight administrative boundaries. The Borough therefore has pressure for growth from all around. This is not only in terms of land being sought in this Borough (as is the case from Tamworth) but in terms of the environmental implications of such growth. For example, traffic passing through the Borough especially along the A5.
- 2.4 The economy of the Borough, since the closure of all but one of the coal mines, has seen an increase in employment land, particularly logistics, but a decrease in manufacturing. Large brownfield sites, such as Hams Hall, Birch Coppice, and Kingsbury Link, have been used for development, mainly B8 (storage and distribution uses). The Borough is the location for many national and international companies including Aldi, TNT, BHS, 3M, BMW, Sainsbury and Subaru. By 2012 it will also have one of Ocado's national hubs.
- 2.5 There are a number of other older industrial estates in Atherstone, Mancetter, Arley and Coleshill that serve the local and sub-regional employment needs of the Borough with mostly smaller companies. Over 90% of firms in the Borough employ 10 or less employees. Many workers commute with in and out commuting being high at over 50%. With companies locating in the Borough it is important for local people to have the necessary skills to take up the local job opportunities and as well as having the skills to start up in business.
- 2.6 Major roads of national and regional significance pass through the Borough (M6, M6 Toll, A5, M42, and A446) and they form part of the Strategic Road Network. The A5, although part of this network, is not dual carriageway along its entire length and has speed limits as low as 40 mph in some parts. The Borough Council is working with Warwickshire County Council, Leicestershire

County Council, the Highways Agency from the East and West Midlands, as well as other local authorities along its route, to investigate the issues of growth and how improvements to the route can take place. A Strategy is being prepared and the Borough Council will work with partners including the private sector to deal with issues along its route. The capacity of the A5 will be an ongoing concern as major developments are taking place along its route mainly outside the Borough which may impact on how development takes place in the Borough. Such developments include sustainable urban extensions in Hinckley & Bosworth, DIRFT in Daventry and Rugby, growth in Nuneaton & Bedworth as well as growth in Tamworth, Lichfield and beyond.

- 2.7 Rail also plays an important role in the Borough with the Trent Valley line / West Coast mainline and the cross country line. During 2008 a new station called Coleshill Parkway opened and services have been improved to Atherstone. There are also two rail freight facilities at Hams Hall and Birch Coppice. Birch Coppice freight facility is nearing capacity due to restrictions on the line but these may be overcome by introducing new technology.
- 2.8 In December 2010 the Secretary of State announced the Preferred Route for HS2 (High Speed Rail). This travels through the Borough northwards from the NEC along the Tame Valley up to Middleton and then on to Bassett's Pole. A route also comes out of and goes in to Birmingham to the south of Water Orton. If HS2 is agreed an official announcement on safeguarding the route should be made by the end of 2011. Also by the end of 2011 the route of the next phase to Leeds via the East Midlands should be published. The full impact of the proposals will not be known for some time, but increased traffic, especially through the rural countryside close to the new railway station and monorail depot to the east of the M42 near to the NEC, is likely. Improved public transport connections will be extremely important to mitigate this impact as well as substantial landscaping along its route.
- 2.9 The Borough has low housing growth, whilst expansion of employment land, particularly for logistics, has been large compared to the rest of the West Midlands. This brings with it its own problems of ensuring there is sufficient housing of the right type and in the right location to suit the needs of Borough residents, as well as making sure that those living in North Warwickshire have the right opportunities, training and skills to take advantage of and access the additional jobs. How buildings will be built and integrated into the landscape and existing settlements will be an important consideration too.
- 2.10 North Warwickshire has a high level of energy consumption with 61% being used by transport (particularly caused by the high levels of petroleum consumption), 25% by industrial uses and 13% by domestic (Source Quality of Life 2009 page 99).



- 2.11 As mentioned above the Borough of North Warwickshire is made up of a number of different settlements each with their own characteristics but sometimes showing similar issues. The County Council has prepared Locality Profiles for the Borough which divides the Borough into four areas to coincide with the Area Forum Boundaries. Below is a portrait of some of the key settlements / places.

Market Towns and adjoining settlements

Atherstone with Mancetter

- 2.12 **Atherstone** is one of the three Market Towns within North Warwickshire and is extremely important to the vitality of the Borough as a whole. It has continued to struggle within the overall economic climate. It has a variety of shops, large employment areas, historical areas as well as recreational facilities providing a wide range of services and facilities. However due to the easy access to surrounding larger towns and cities these services and facilities are constantly under pressure.
- 2.13 Atherstone grew as a town through its association with agriculture and because of its location in relation to Watling Street, and the canal and railway network. It still exhibits a historic street pattern with many old buildings, a Market Place / Church Square and numerous pubs and banks. The town is unique particularly because of its association with the production of felt hats and there are still several reminders of this. A Heritage Partnership Scheme with Advantage West Midlands and English Heritage assisted in improving some of the important frontages within the town centre.
- 2.14 The improved provision of train services to Atherstone is supported. Investment has been made to improve the platforms and the train information signage. There remain issues over car parking and access to the western platform under the bridge on the Watling Street. Although lighting has been improved the replacement or refurbishment of the footbridge is supported. In addition opportunities to improve parking for both the station and the town will be pursued. The introduction of the decriminalisation of parking will impact on the town and the County Council with the Borough Council is investigating ways that this can be introduced.
- 2.15 The canal plays a major role in encouraging people to come to Atherstone. However due to technical reasons involving maintaining a suitable water supply, a canal basin can not be provided within Atherstone. If and when these technical issues could be overcome a new basin would be supported.
- 2.16 Atherstone has two main employment sites. The oldest of these, at Carlyon Road, was built during the 1970's and 1980's. It is the quality of many of the units¹ that is now an issue with many of the units not standing up to modern day needs. The other site of Holly Lane is dominated by the presence of TNT

¹ Chesterton Report 2001 and CB Richard Ellis 2007

and Aldi. Land has been allocated for further expansion at this estate. The landowner now wishes to retain this land for their expansion plans. Therefore, although available, it is for a specific end user of Aldi themselves. Both estates offer redevelopment opportunities,

- 2.17 The need is to accommodate development necessary to promote Atherstone's role as a main town and the civic focus of the Borough while protecting the historic character and scale of the town centre and providing enhanced facilities accessible to the community as a whole. There are a number of opportunities that are emerging. Public agencies are exploring ways of improving services whilst rationalising their own facilities and buildings. This will provide regeneration opportunities for any released sites and for newly developed sites. However, the expansion of Atherstone, beyond the current development boundaries, is constrained by floodplain to the north and north-east, a historic park and garden to the west, railway lines and wildlife sites to the south and Mancetter with archaeological remains to the east. Therefore, other than very small scale developments on the fringe of the Atherstone development boundary, the area to the north-west, beyond Holly Lane Industrial Estate, would appear to be the only area where some development could take place. Development inside the development boundary and redevelopment/ regeneration opportunities will be the main priority before any development takes place on a greenfield site. This will be explored further in the Site Allocations Development Plan Document.
- 2.18 **Mancetter** shares a contiguous development boundary with Atherstone and is considered as an integral part of the Market Town. However locally it is considered a settlement in its own right. It has its own industrial estate offering a range of unit sizes. The area around the shops and grassed in Church Road offer an opportunity for regeneration with new shops and additional housing.

Coleshill

- 2.19 **Coleshill** is one of the three Market Towns and lies to the west of the Borough surrounded by Green Belt. It is an old coaching town and has a strong historical association with many listed buildings and two conservation areas. Since 2008 it has had its own railway station with a bus interchange, which is proving to be very successful.
- 2.20 Planning permission has been granted for a new retail store on the land off Park Road. The need for a retail store had been highlighted in many studies over the years but there were few sites that would have been appropriate. The site is close to but outside of the Town Centre Boundary.
- 2.21 Hams Hall, formerly an electricity generation site, has been redeveloped as a manufacturing, distribution and freight site. The Regional Spatial Strategy Panel Report recognised the site as a Regional Logistics Site (RLS) and saw the development of the former power station site B (around 20 hectares) as part of the regional baseline for further regional logistics. However the

national need for energy generation is increasing as outlined in the Draft National Planning Statements on Energy Generation. Therefore if there is a proven national need, then part of this site could be used for power generation once again. (For the avoidance of doubt this would not include nuclear power generation.)

- 2.22 Coleshill has a long employment association with utilities and agriculture. It has an historic core and links with Birmingham suburbs for jobs and services. Given the location of Coleshill in the Green Belt, the main thrust of policy here will be to accommodate development, inside it's development boundary, necessary to maintain the continuing prosperity of this historic market town, while avoiding outward pressure on and within the surrounding countryside.
- 2.23 A site off Coventry Road, Coleshill owned by the Father Hudson's Society is one of the key development sites in Coleshill and the Borough Council has been working with the land owner to deliver a housing scheme, supported housing or a mix of residential uses on this site. Due to the recession and the site complexities it has taken time to progress but the owner is still pursuing development and is confident that it will be delivered.

Polesworth with Dordon

- 2.24 **Polesworth** is one of the three Market Towns and lies to the north of the Borough. It is a historic market town established at a crossing of the River Anker. It exhibits a typical pattern of streets and buildings, with a strong historical core centred on Polesworth Abbey and the Conservation Area. It has a close geographical relationship with Tamworth for a range of services and facilities. This puts the services and facilities in Polesworth under pressure. It still retains some key services but these are generally small in scale.
- 2.25 However this physical closeness means that there is a strong desire locally to protect the area to the west of the town from further development in order to maintain its individual identity and prevent the coalescence of Polesworth with Tamworth. This is particularly important as Tamworth Borough Council is looking to develop up to their Borough boundary and have a desire to build for their housing needs to be catered for in North Warwickshire. Development in North Warwickshire would only take place if there was a proven need; all sites in Tamworth had been fully developed; and sites in Lichfield had been developed, then the Borough Council would explore a case for development on the western side of the M42. However, development to the east of the M42 would not be acceptable.
- 2.26 Mineral reserves of coal have been extracted to the north and north-west both by open cast and underground mining. Coal reserves of the North Warwickshire Coalfield lie to the north, east and south-east of the town. UK Coal Ltd owned the majority of the land to the east of Polesworth and Dordon until recently. With the sale of this land the pressure for opencast has decreased, although it is believed that mineral rights have been retained for a

period of 15 years from the date of sale. If any development were to take place in this area, further evidence would be required to balance the sterilisation and national need of coal reserves with the viability of extracting coal and local environmental concerns. There is possible potential for small scale housing developments along the eastern boundary of the town depending upon the resolution of the mineral issue.

- 2.27 **Dordon** is of much more recent origin and grew through the development of housing for workers at the nearby collieries, especially Birch Coppice. Although having now one contiguous settlement boundary with Polesworth, both retain distinctive identities, which both communities wish to retain.
- 2.28 The area of Dordon to the north of the A5 relates well to Polesworth, although Long Street would be a constraint to any growth. The area on the western side of Dordon, although not of a high landscape value, plays an important role in maintaining the separation between Tamworth and Dordon thus ensuring, when entering North Warwickshire along the A5, that the area retains its rural character. The rural character would be strengthened by landscaping on both sides of the A5 and this is a key aim.
- 2.29 The Birch Coppice Business Park, on the site of the former Birch Coppice Colliery to the south of Dordon, was designated a Regional Logistics Site (RLS) in the Regional Spatial Strategy. A further 40 hectares is currently under construction. There is also the Birmingham Intermodal Freight Terminal (BIFT). It will also have a waste transfer recycling centre run by Warwickshire County Council. This site caters for wider than local needs and the challenge is to ensure that local people have the skills to take up the employment opportunities at this site. The industrial area and the housing to the south of the A5 are separate from the main body of the settlement and any development in this area needs to consider how this issue could be addressed.
- 2.30 A major challenge therefore to ensure that any development growth in Polesworth and Dordon makes a positive contribution to its sustainability by embracing a mix of housing and other uses, especially small scale employment uses, is supported by all the necessary infrastructure and services while protecting the separate identity of the two distinct communities.

Local Service Centres

- 2.31 There are five Local Service Centres of Arley (New and Old), Baddesley and Grendon, Hartshill, Kingsbury and Water Orton.

Arley

- 2.32 Arley comprises the two villages of Old Arley and New Arley surrounded by Green Belt. With the opening of Arley colliery in 1901 the population increased and the mine continued production until 1968. A new Industrial estate and housing helped Arley to avoid becoming a 'ghost town' after its

closure. Arley is still considered a rural community being some distance from any towns. It has the 'feel' of a rural community being surrounded by farms and possessing a quiet atmosphere. The villages now have a broad mixture of inhabitants and the changing employment patterns since the mine closure have meant that a majority of people now commute outside of the villages to work. Redevelopment opportunities in the northern section of Arley Industrial Estate may help to address this issue.

- 2.33 New Arley has a good-sized Co-op store, food takeaways, new allotments and a Post Office/shop. Old Arley has a Sports Centre and butchers. Additionally two pubs, three churches, a chapel and a Medical Centre serve both communities. Both villages have playing fields and playgrounds.

Baddesley / Grendon

- 2.34 Baddesley / Grendon are former mining villages located on the A5 outside of the Green Belt. The two settlements are closely linked and share many of their services and facilities. The A5, notwithstanding the lowering of the speed limit through this area, is a major barrier to community cohesion and additional crossing facilities are required to overcome this.
- 2.35 There were mining activities in the area for centuries before the two main shafts, which formed Baddesley Colliery, were sunk in 1850. Although called Baddesley Colliery it was actually just over the border in Baxterley. From then on until 1989, when the pit closed, the majority of resident workers worked in some capacity at the mine. The site has been reclaimed and has planning permission for car storage. Since the closure of the mine the village is now mainly residential.
- 2.36 The area is known for its common and woodland. Grendon and Baddesley Common is the largest area in Warwickshire of a priority rare habitat of lowland heathland. A wood has been planted called Legion's Wood.

Hartshill

- 2.37 Hartshill sits on a ridge extending to the north-west. It is bounded to the south by the urban area of Nuneaton, and has very close links to the town. Although residents use the services and facilities in Nuneaton it provides many services and facilities to Nuneaton residents and in particular the Camp Hill Urban Village. The main facilities are the secondary school and two primary schools. Hartshill has an historic centre with the remains of Hartshill Castle, now under private ownership, and St James' Church. To the north there is the country park of Hartshill Hayes and a Quarryman's walk has been created to allow access to surrounding areas.
- 2.38 Hartshill has a long history of mineral extraction with hard rock quarries to the east which have not been decommissioned and so could be re-opened. To the west there are the remains of the Moorwood mineral railway line and there are sites that have previously been tipped. The Borough Council would

consider some development in this area once the quarries have been decommissioned. Any uses would need to protect and enhance the rich natural and geodiversity in this area.

Kingsbury

- 2.39 Kingsbury is constrained by flood plain to the west and the Birmingham to Tamworth railway line to the east. The Kingsbury Oil Terminal lies to the north east. The village is surrounded by Green Belt.
- 2.40 Industry started to appear towards the end of the 19th century with the opening of Cliff Brickworks but it was the development of the Warwickshire coalfield that brought the greatest change to the village. Kingsbury Colliery was opened in 1897 and almost overnight fortunes changed as farming gradually gave way to the extraction of coal for use in Birmingham and at Coleshill's town gas manufacturing plant. After the colliery shut in 1968, additional farming land was lost to the more lucrative gravel extraction at Bodymoor Heath and for the construction of the Oil Terminal on the Trinity Road. Kingsbury Water Park grew out of the old, gravel workings in 1975 and has become a haven for bird watchers and walkers alike, attracting over 100,000 visitors per annum.
- 2.41 Kingsbury has a small conservation area with one of English Heritage's Buildings at Risk that is currently undergoing major refurbishment. The Conservation Area is also considered, by English Heritage to be at risk. Kingsbury is now a large, semi-rural village and, especially following the building of the M42 motorway, has become a 'dormer' community for the surrounding towns and cities.²
- 2.42 Kingsbury once had a station and a replacement station is still being pursued, alongside the Bordley Chord proposals for the Birmingham to Lichfield line that passes through Kingsbury past Dosthill and on to Tamworth. This has been included in Warwickshire's Local Transport Plan 3 and is saved policy TPT4 from the North Warwickshire Local Plan 2006.

Water Orton

- 2.42 Water Orton sites on the River Tame. Old Church Road is where the early settlers set up home, and is now what is left of the original part of the village. Until 1842 Water Orton was just a scattering of little cottages and farms. The railway came to Water Orton in 1842 and brought many visitors and new residents to the village. During the steam era many jobs were created with the building of large railway sidings to the west of the village. Between 1851 and 1951 the population rose from 190 to 1,840. It now has a thriving community and it is the only settlement with an adopted Village Design Statement.

² Source: <http://www.dannyhaines.com/khs/>

- 2.43 Water Orton is constrained by the Green Belt and is under pressure for further development due to its close proximity to Birmingham. Major road and rail transport infrastructure surrounds the village. In addition there is the potential High Speed Railway line. Any development outside of the development boundaries would thus further erode the rural character of the village.

Other Places

Villages & Hamlets

- 2.44 There are a number of other settlements that do not have the same range of services and facilities but provide significantly to community life within the Borough. With the emphasis in the past for development to be targeted at the main settlements (Atherstone / Mancetter and Polesworth / Dordon, as identified by the Warwickshire Structure Plan, 1989) this put the smaller villages in a difficult position in that they were losing services and facilities without the support of the planning policies to recognise their importance to the rural nature of the Borough. Local requirements have changed as the residents of the countryside have changed but there are many people who live in the smaller settlements and the countryside who have difficulty accessing services / facilities and affordable housing. Local planning policies should allow for these needs to be catered for in a sensitive and in an innovative way.

Countryside

- 2.45 The Borough covers over 110,000 hectares with the largest settlement being around 10,000 population. This means that the countryside plays an important role in the Borough as it gives it the rural context in which all other things operate.
- 2.46 There are three major private estates of Packington, Blythe and Merevale, which have influenced the landscape of the Borough. Agriculture is a major employer and producer.
- 2.47 Within the countryside there are 8 golf courses, including The Belfry and the Forest of Arden; major tourist attractions, such as Kingsbury Water Park; as well as more local facilities. A thriving rural economy is important to the Borough. However, a balance needs to be struck between allowing development that is appropriate in terms of scale and character, whilst protecting and emphasising the rural context of the Borough.

Issues

- 2.48 It is clear that there are a number of cross cutting issues that have consistently been highlighted or raised throughout the development of this Core Strategy. These are outlined in more detail in the Key Issues paper.

- 2.49 Access is an important issue in respect of both the physical means of accessing services and facilities as well as accessing education, employment, debt/benefits advice /health services, leisure and recreation and housing provision and support. This issue is exacerbated by an increasing elderly population; higher than expected adverse health issues, cross cutting the generations (obesity/smoking/drinking/infant death rates); and, increased fuel costs impacting on fuel poverty and transport costs. These raise major implications and potential pressures for future service needs and how to address the form and location of their provision and how those who need those services can access them
- 2.50 The Sustainable Community Strategy recognised that with limited resources, partnership working needed to be more focussed in order to ensure delivery. This is not to say that other issues are less important to either individual organisations or groups of organisations, which can be tackled outside of the SCS arena. It has therefore focussed on three long term issues that it considers the Local Strategic Partnership as a whole can be effective at delivering results. These are:
1. Access to Services & facilities
 2. Education and Aspirations
 3. Health
- 2.51 In terms of the Core Strategy the aim is to look at spatial linkages to these issues. For example there are clear links between issues of poor health, obesity and open space/recreation provision, education and the skills gap, rural transport and isolation and where the opportunities and needs are for seeking planning gain or financial contributions from any proposed commercial/housing developments.
- 2.52 The Borough has, is and will continue to look for ways of tackling these issues. This will be through a range of opportunities including, the LEADER programme, the Borough's Outreach Bus, Section 106 contributions, as well as continuing to work with a range of partners from the public, private and voluntary sectors. The Core Strategy can assist in ensuring a lasting legacy from any development that takes place.

So what makes North Warwickshire unique?

- 2.53 In conclusion the list below summaries the key qualities that makes North Warwickshire unique:
1. Quality of environment – it has a pleasant rural character distinct from its growing urban neighbours
 2. Number of settlements – there are over 50 settlements ranging from Market Towns to small hamlets, each with a different character
 3. Former mining legacy – It had a number of mines with all but one now closed. There are still ex-mining communities in need of assistance, in particular with the standard of housing and with access to skills and training.

4. A range of major employers – the Borough is the location for national and regional headquarters of both national and international companies with two rail freight facilities.
5. No one distinctive style – there is no one distinctive borough-wide building style but there are very local styles either in character or in form.
6. Broad range of issues – the Borough has a broad range of issues many relating to poor skills, poor health and poor access.

3. Spatial Vision

3.1 This leads us to the Spatial Vision for the Local Development Framework. This Vision builds on the Community Strategy Vision and gives it a spatial dimension.

3.2 The Spatial Vision for the Borough is thus:

Rural North Warwickshire; a community of communities. A place where people want to live, work and visit, now and in the future, which meets the diverse needs of existing and future residents, is sensitive to the local environment, and contributes to a high quality of life. A place which is safe and inclusive, well planned, built and run, and offers equality of opportunity and good services for all.

The rural character of North Warwickshire will be retained and reinforced to ensure that when entering the Borough it is distinctive from the surrounding urban areas.

In the next 15 to 20 years, the Borough will accommodate development in a balanced and sustainable way, placing a high priority on quality of life, ensuring the protection of valuable natural and historic resources and providing the necessary supporting infrastructure.

New homes and new employment together with local services and community facilities will be integrated carefully into the Borough's existing areas and this will focus the majority of the development to the Market Towns and Local Service Centres. Employment generation will benefit local residents and ensure long lasting benefits to the Borough, including improved skills, reducing out commuting and regeneration of industrial estates where appropriate.

Housing catering for the needs of residents will be provided in order to give choice of tenure and location and will be located to take advantage of good public transport accessibility and to help maintain and enhance the vitality and viability of settlements.

Existing communities will retain their distinctiveness and identity through good quality, inclusive design. New development will be designed to a high quality following urban design, sustainable development and construction principles and giving high importance to the public realm as well as good access and provision of open space, sports and recreational facilities.

Important natural and historic areas and buildings help to create the distinctive character and identity of the Borough and its settlements are protected and enhanced.

4. Strategic Objectives

4.1 The following table gives the Strategic Objectives for the Core Strategy that flow out of the Spatial Vision, with a short paragraph giving an outline of the sort of things they would cover. All of the objectives are interlinked and so should be read together. The Core Strategy policies will flow from these. In addition, policies in other Development Plan Documents, including Neighbourhood Plans will also use these objectives.

Table 2 – Strategic Objectives

Number	Strategic Objective	
1	To secure a sustainable pattern of development reflecting the rural character of the Borough	This will include giving priority to re-using previously developed land and buildings within Market Towns and Local Service Centres, recognising regeneration opportunities; as well as reducing the overall need to travel, limiting exposure to flood risk, and, protecting the Borough's environmental assets and rural character.
2	To provide for the housing needs of the Borough	This will ensure there will be a sufficient supply and appropriate size, mix and tenure of housing to meet the identified requirements of residents
3	To develop and grow the local economy for the benefit of local residents	This will be achieved by providing land and buildings; improving infrastructure to support economic development and facilitating regeneration initiatives that capture local economic benefits for local residents especially higher skills aspirations.
4	To maintain and improve the vitality of the Market Towns	This will be achieved by making the best use of land and buildings; facilitating regeneration and building on their historic strengths
5	To promote rural diversification	This will be achieved by supporting investment that maintains and extends services and facilities that directly benefit rural needs and maintains and enhances the environment.

6	To deliver high quality developments based on sustainable and inclusive designs	This will raise the quality threshold of developments; promote sustainable construction practices including energy efficiency, recycling and addresses crime and safety issues
7	To protect and enhance the quality of the natural and historic environment across the borough	This will be achieved through securing good sustainable design that addresses environmental issues, including flood risk; and safeguards important designated environmental, historic and archaeological sites
8	To establish and maintain a network of accessible good quality open spaces, sports and recreational facilities	This will promote well-being, social inclusion and community cohesion
9	To ensure the satisfactory provision of social and cultural facilities	This will secure the social and physical infrastructure necessary to improve the health, education, life-long learning and well-being of all sectors of the community

5 Spatial Strategy

- 5.1 The North Warwickshire Core Strategy sets out the long term strategic policies and proposals to deliver the Local Development Framework vision in accordance with the Local Development Framework objectives. It identifies a Borough-wide pattern of development. It does not identify specific sites as these will be identified through later Documents.
- 5.2 The Spatial Strategy is a key component of the Core Strategy for delivering a sustainable way of living and working and considering the appropriate distribution for development. It seeks to allow development to take place in a dispersed but controlled pattern throughout the Borough. The pattern of development has been influenced by considering how the Borough functions as well as the impact of surrounding cities and towns. Future development will take place in accordance to the size of the settlement taken with its range of services and facilities and dependant on whether it is in or outside of the Green Belt. This will mean that the majority of development will take place in the larger settlements with more limited development in the smaller rural settlements and in particular those not in the Green Belt. This will benefit those who currently live, work and visit the Borough and future generations and ensure that development is directed to the most appropriate place.
- 5.3 This strategy moves forward the settlement hierarchy principles, which were introduced in the adopted Local Plan 2006. The Local Plan's approach was to steer most development to the Main Towns, and then in a cascade approach in other settlements with very little development towards the countryside. Following further analysis into the relevance of the settlement hierarchy and responses to consultations it is clear that the use of the settlement hierarchy still has merit and is broadly supported, but that limited amounts of housing, in particular, should be allowed in the more rural settlements. Essentially, the hierarchy remains unchanged. However what has changed is the emphasis on what will and will not be allowed in the smaller settlements. This follows the Matthew Taylor Report which advocated more development in the rural areas to assist in maintaining the vitality of the rural settlements.
- 5.4 It has become clear that the way the Local Plan policy was being implemented was restrictive and did not sometimes reflect what the local communities were seeking. The Matthew Taylor Review on the Rural Economy and Affordable Housing showed that historically, settlements can grow incrementally and this can help to maintain the balance between restraint and the continuing vitality of the settlements. In this Core Strategy this approach has been widened to consider the holistic development of services and facilities to help maintain and enhance thriving communities. The constant aim is to provide these in the most sustainable way without it stimulating pressure on the countryside, in particular, the Green Belt; to make suitable provision for development necessary to sustain rural communities by focussing rural housing development and supporting facilities on a network of Local Service Centres, but with limited development provision in other smaller settlements identified with a development boundary on the Proposals Map. Elsewhere, other than

where specifically provided for in the Plan, development will be limited to that requisite for agriculture, forestry or other uses that can be shown to require a rural location.

- 5.5 Further work has been carried out to ascertain whether settlements could still be within the relevant tier of the Local Plan settlement hierarchy. An assessment was made of their current services and facilities giving them a score. The analysis showed that there were clear groups of settlements providing a similar range of services and facilities. This study showed that only two settlements could possibly be moved to other categories as a result of services or a facility being lost since the hierarchy was first introduced. In relation to Shustoke this change would have resulted in the settlement being placed back in to the Green Belt without a clear development boundary. All development would then require consideration against national Green Belt policy. However, the village has a thriving village school and in order to ensure that modest development could come forward to assist in the re-introduction of services and facilities that would once again bring the village back in to the next tier of settlement, it is not considered appropriate to change its designation. Shuttington, although not surrounded by Green Belt is in a similar situation. Therefore, the settlement hierarchy is intended to give an element of aspiration and challenge as to the range of services and facilities that any settlement could potentially have.
- 5.6 Following the assessment of where a settlement should be within the hierarchy, the difficulty arises in determining how much development should be allowed, particularly as 60% of North Warwickshire is within the Green Belt. For example, it has been estimated to warrant an additional primary class that over 150 new dwellings would be required. In many locations this is not feasible when trying to balance the needs of the local community; the protection of the local environment, the character of the settlement / landscape and ensuring that the development is as sustainable as possible. To keep a village shop profitable is indeterminable, as changing shopping habits can easily skew this. In some locations a small village can sustain a village shop whilst in other locations the shop is not profitable. In these instances however it is not just seeing shops as shops but it is the need to protect those premises as a community asset with wider potential.
- 5.7 The Core Strategy seeks to develop a broad distribution pattern for development with the majority of development being directed to the Main Towns, in order to achieve vibrant sustainable communities within a sustainable pattern of development. Appendix C sets out the settlement hierarchy for the Borough. The result is that, Atherstone with Mancetter and Polesworth with Dordon, are the Main Towns where the majority of development will be directed. Coleshill is recognised as a Green Belt Market Town due to its range of services and facilities; and, there are five Local Service Centres located throughout the Borough, which provide important local services and facilities. Housing growth has been distributed to the Main Towns, then to the Green Belt Market Town and then to Local Service Centres. In settlements, villages and hamlets beyond these, development

that provides for local housing needs and help support local services will be permitted. This hierarchy underpins many of the policies within the Plan.

- 5.8 The Core Strategy allocates strategic housing numbers to places but does not give a specific location. These will be determined either through Area Action Plans or Neighbourhood Development Plans, prepared with Parish Councils. Although in the past it was only local affordable housing that could be supported in these smaller settlements, now a small proportion of market housing as well as affordable has been allocated to some of the smaller settlements in order to assist with maintaining the vitality of these smaller communities. So in smaller settlements small scale housing developments that help regenerate and support the rural economy or meet proven affordable housing needs (via a local housing needs assessments) can still be considered. If plan monitoring shows that this distribution is not being maintained through planning permissions, the position will need to be redressed either by the production of a future Development Plan Document or other policy document.
- 5.9 Work is continuing at a sub-regional level with neighbouring authorities to develop a Sub-regional Spatial Strategy. This will build on the work already carried out and will reflect issues arising from the creation of the Coventry & Warwickshire Local Enterprise Partnership. It is not expected that this work will alter the specific Spatial Strategy for North Warwickshire.

NW1 SETTLEMENT HIERARCHY

Development within the Borough will relate to the settlement hierarchy at a scale proportionate to their position in the Borough's settlement hierarchy as given in Appendix C. Where necessary, changes to development boundaries will be made once development has taken place.

Category 1: Market Towns (outside of greenbelt) – Atherstone with Mancetter, Polesworth with Dordon

Development for employment, housing (including affordable housing), services and other facilities will be permitted within the development boundaries of the Market Towns. It is expected that over the plan period, more than 50% of the housing and employment requirements will be provided in or adjacent to the Market Towns and their associated settlements. Development outside of the current development boundaries will only be permitted as and when evidence shows there are no development opportunities inside the development boundary.

Category 2: Green Belt Market Town - Coleshill

Within the development boundary of Coleshill, the Green Belt Market Town, development for employment, housing (including affordable housing), services and other facilities will be permitted.

Category 3A: Local Service Centres (outside of Green Belt) – Baddesley with Grendon, Hartshill with Ansley Common

Development for employment, housing (including affordable housing), services and other facilities will be permitted considered to be appropriate to its place in the settlement hierarchy.

Category 3B: Local Service Centres (in Green Belt) – New & Old Arley, Kingsbury, Water Orton

Development for employment, housing (including affordable housing), services and other facilities will be permitted that is considered to be appropriate to its place in the settlement hierarchy.

Category 4: Settlements with a development boundary Austrey, Curdworth, Fillongley, Newton Regis, Shuttington, Shustoke

Development will be limited to that for which a local need has been identified through a Neighbourhood plan. In the absence of an up-to-date Parish Plan or other locality plan the saved policies of ECON 5, 12 and COM1 will apply.

Category 5: Other places such as Furnace End, Ridge Lane

Development only for affordable housing in accordance with Rural Exceptions will be permitted.

Outside Development Boundaries

Outside development boundaries and except where other policies of the Plan expressly provide, development will be limited to that requisite for agriculture, forestry or other uses that can be shown to require a rural location.

Split of Housing

The split of housing development will take the following form:

A minimum requirement will be expected in the following locations:

Category 1: Market Towns	Minimum requirement
Atherstone / Mancetter	450
Polesworth & Dordon	300
Category 2: Green Belt Market Town	Minimum requirement
Coleshill	250
Category 3A: Local service Centres	Minimum requirement
Grendon/Baddesley Ensor	100
(together, as a single network of villages)	
Hartshill with Ansley Common	150

In the following locations housing will be limited to a maximum requirement:

Category 3B: Local service Centres	Maximum requirement
Old and New Arley (together, as a single network of villages)	60
Kingsbury	50
Water Orton	50

Category 4: Smaller Rural Villages	Maximum requirement
Ansley	30
Austrey	30
Curdworth	15
Fillongley	30
Hurley	30
Newton Regis	30
Piccadilly	5
Shuttington	10
Shustoke	15
Warton	30
Whitacre Heath	20
Wood End	20

Other Villages and Rural areas
Rural exceptions only

Delivery of Strategic Objectives: 1, 2, 3, 4

6 Core Policies

Amount of Development

Housing

- 6.1 The Regional Spatial Strategy sets out the amount of development that the Borough should deliver. In the Regional Spatial Strategy (RSS) North Warwickshire is seen sub-regionally and regionally as an area of generally low growth. With the abolition of the RSS consideration was given as to what the housing target should be for the Plan period. During the RSS review, whilst there were a number of scenarios for housing growth, the figures for North Warwickshire essentially remained unchanged. Even the production of the Nathaniel Lichfield & Partners Report (often referred to as the NLP Report) on future housing growth did not advocate an increase in the housing figures for the Borough even though updated housing projections were available. The Panel Report also did not increase the housing figure for the Borough. Therefore, the Borough Council took the decision in the preparation of an Interim Planning Policy Statement not to increase the housing figures. A minimum of 3000 units remains the target for the plan period. These housing figures start from 2006 covering a twenty year period up to 2026 in accordance with the RSS Phase 2 Revision.
- 6.2 Any supply of housing land should be made up of completions (sites already completed), commitments (sites with planning permission), windfalls (unidentified sites coming forward for development during the Plan period) as well as new site allocations and proposals. A windfall allowance is assumed for later in the Core Strategy period to accord with government guidance. In the past the actual windfall amount has been assessed as 60 per annum but in reality it often exceeded this figure. Even if this figure reduces the Borough Council is confident of meeting its housing target, particularly in view of the work it is doing to bring sites forward for development, as outlined below. The level of housing completions and planning consents issued will need continuous monitoring to avoid any adverse impact on the Borough's and the effect on the sub-regional development strategy.
- 6.3 There has historically been a non-implementation rate of 5% of planning applications; an increased focus on smaller sites; and a reduction in windfalls due to increased restrictions in rural areas. Windfalls are likely to continue to decline in a plan-led system, especially where past patterns of development have resulted from a more permissive house building regime in rural areas than would now be considered appropriate. Table 1 above indicates the amount of housing that is required for the remaining Plan period.
- 6.4 The Borough Council has maintained a 5-year housing supply since the introduction of this requirement. The Strategic Housing Land Availability Assessment indicates that there is more than sufficient land to cater for the

housing requirement up to and beyond 2026. In addition, the Borough Council is actively pursuing development on land it owns as well as County Council owned land to ensure the continuous supply of readily available sites. Specific allocations will be brought forward through a Site Allocations Development Plan Document, Area Action Plan or Neighbour Plan.

Table 1: Housing Requirement
Anticipated Total Number of Dwellings to be delivered to 2026

Table C. Five year Housing Requirement based on the emerging Regional Spatial Strategy 2006 – 2026 – Net		Dwellings Net	Average Dwellings per annum
a)	Housing requirement 2006-2026 (3000 ÷ 20 yrs=)	3000	150
b)	Net additions to stock 2006-2011 (5 years)	627	
c)	Residential net requirement for 2011-2026 (15 yrs)	2373	158.2
d)	Requirement for 5 years 2012-2017	791	(158.2x 5 yrs)
e)	Housing in the Pipeline	728	4.6 years
f)	Residual Housing requirement	1645	

Gypsy & Travellers

- 6.5 The Government's key objective for planning for housing is to ensure that everyone has the opportunity of living in a decent home. This includes a commitment to ensuring that the housing needs of members of the gypsy and traveller community and the travelling show people's community are met. The Southern Staffordshire and Northern Warwickshire Gypsy and Traveller Accommodation Assessment (GTAA) published in February 2008 examined the necessity for further sites in the region.
- 6.6 A number of local authorities across the Southern Staffordshire and Northern Warwickshire area (Rugby Borough Council, Lichfield District Council, South Staffordshire Council, Nuneaton and Bedworth Borough Council, Cannock Chase District Council, North Warwickshire Borough Council and Tamworth Borough Council) commissioned the joint Gypsy and Traveller Accommodation Assessment (GTAA) in May 2007. The study was conducted by a team of researchers from the Salford Housing and Urban Studies Unit (SHUSU) at the University of Salford and assisted by staff at the Centre for Urban and Regional Studies (CURS) at the University of Birmingham. The study was greatly aided by research support and expertise provided by members of the Gypsy and Traveller communities.
- 6.7 For North Warwickshire this assessment, which took in to account the 17 pitches at the Warwickshire County Council rented site at Alvecote, indicated there is a need for an additional 27 residential pitches (12 up to 2012, 5 up to 2017, 5 up to 2022 and 5 up to 2027), for up to 5 transit caravan pitches up to 2027. There was no evidence of any requirement to provide pitches for travelling show people.

- 6.8 A West Midlands Interim Policy Statement on the Provision of New Accommodation for Gypsies, Travellers and Travelling Showpeople has been approved by the WMRA in March 2010, prior to being submitted to the Government Office for the West Midlands on 31 March 2011, and gives the provision of pitches per authority for gypsies and travellers and travelling show people. This Interim Policy Statement provides guidance to assist in the preparation of Local Development Frameworks. Emerging from this research work by the Government Office is that the accommodation needs identified in the GTAA for North Warwickshire have been over-estimated due to statistical errors with the way the existing data has been calculated. The Interim Policy Statement indicates a need for an additional 16 residential pitches up to 2017; 5 transit caravan pitches up to 2017 and no evidence of any requirement to provide pitches for travelling show people. Post 2017 the requirement for North Warwickshire is a compound 3% increase each year which equates to 10 additional pitches with current figures up to 2026.
- 6.9 Government is currently updating guidance set out in Circular 01/2006 'Planning for Gypsy and Traveller Caravan Sites' and in the findings of the Southern Staffordshire and Northern Warwickshire GTAA published in 2008. The strategy is looking to locate residential development, including Gypsy and Traveller accommodation, in sustainable locations that are well served by services and facilities. The requirement to locate sites adjacent to urban boundaries may equally be satisfied through its proximity to the administrative areas of Tamworth or Nuneaton. Sites close to Bedworth, Coventry and Birmingham are all within the Green Belt are not appropriate locations for pitches.
- 6.10 In order to provide for a range of small sites outside of the Green Belt, but close to services and facilities, a Gypsy & Traveller Development Plan Document will be brought forward and will follow the principles of the settlement hierarchy.

Travelling Show People

- 6.11 Sites for Travelling Show people will not be allocated specifically as no need has been identified. However appropriate sites would be groups of farms buildings close to main roads throughout the Borough. In addition, there would be a need to meet the criteria reflected in government guidance as set out in Circular 04/2007 'Planning for Travelling Show people' and the findings of the Southern Staffordshire and Northern Warwickshire GTAA published in 2008. Further work will be required to identify specific sites to meet any identified need. Any submitted proposals will be assessed through a criteria based policy to be developed as part of the Gypsy & Traveller Development Plan Document.

Employment

- 6.12 Economic growth is a key Government goal and Local Enterprise Partnerships have been developed to pursue this. The Borough Council wants to work with the private sector to create long lasting local employment opportunities as well as mitigate any adverse impacts and enhance the rural character of the Borough.
- 6.13 Historically North Warwickshire has had a number of large brownfield sites that have been redeveloped and this led to an over supply of employment land in relation to the Warwickshire Structure Plan 1996-2011. Two of the largest sites were Hams Hall and Birch Coppice, which were seen as regional logistic sites.
- 6.14 In addition, to target the priority issues and needs identified through the Sustainable Community Strategy it is considered that all employment related development, should support and assist improvements to access to services, health, skills training and education opportunities through appropriate contributions or specific service delivery. The aim is to address the skills and education deficit and improve aspiration, opportunity and choice of employment. Delivery will need to provide a more focused match between available local employment and the existing and aspirational local employee skill base in order to meet local economic needs and to address the large scale out-commuting pattern that presently exists in the Borough.

Existing Employment Land

- 6.15 The current position of the Borough in meeting the emerging RSS Employment Land targets is outlined below. As at 1st April 2011 progress towards the emerging RSS Employment Land Allocation target is shown in Table 3 below.
- 6.15 Provision for a minimum of 44 Hectares of new employment land will be made. Over the Plan period 11 hectares are to be made available over a 5 year rolling programme. In the Regional Spatial Strategy both Hams Hall and Birch Coppice were excluded from this local employment land requirement because they were seen to deal with regional rather than local needs.
- 6.16 The Table below provides information on the employment supply for the Borough. These figures do not include the outstanding planning permissions for Hams Hall and Birch Coppice, which are both designated as Regional Logistics Sites in the Regional Spatial Strategy Phase 2, or their Regional Spatial Strategy allocation/requirement for future expansion amounting to 20 and 40 ha's respectively. Birch Coppice extension of 40 hectares was approved in 2010 and is under construction.
- 6.17 Delivery of appropriate employment uses and redevelopment within existing employment sites should reflect the need to broaden the employment base and improve employment choice and opportunity. This will both assist in the regeneration of Atherstone and improve employment choice and opportunities across the Borough.

- 6.18 The Core Strategy also seeks to support and encourage small scale rural businesses to develop and to enable their expansion where this does not impact detrimentally on the countryside character in environmental or sustainable terms.

Table 3: Local Employment Land Availability

44 ha	Total Employment Land Requirement for 2006 - 2026
-17.21 ha	Completions in ha from 2006 to 2011
-23.84 ha	Outstanding Planning permissions at 2011
-6.9 ha	Existing Local Plan Allocation for Employment land
<hr/>	
-3.95	Total (3.95 ha oversupply)
+15 (1ha p/a x 15yrs)	Annual Average Rate of Planning permissions estimated to expire between 2011 and 2026 (15yrs x 1ha per annum average ⁽¹⁾ =15)
<hr/>	
= 11.05 ha	The remaining Local Employment Land Requirement for the Core Strategy to accommodate

⁽¹⁾ – the rate of expiry of planning consents between 2006 and 2011 has been approximately 1 ha per annum. This trend is projected to continue over the plan period.

NW2 Amount of Development

At least 3,000 dwellings (net), 26 residential and 5 transit Gypsy and Traveller pitches, and 44 hectares of local employment land will be provided between 2006 and 2026. Development will take place in locations having regard to the needs of each location and their capacity to support additional development. Development will only occur if the appropriate infrastructure is available and sites will be released in order to ensure a consistent delivery of housing. Site specific proposals or allocations will be identified in future Development Plan Documents.

Delivery of Strategic Objectives: 2, 3

AFFORDABLE HOUSING

- 6.19 Generally affordable housing is defined as housing that is non-market for those whose need is not met by the market. National guidance indicates that this can include a wide variety of delivery methods such as socially rented and intermediate housing.
- 6.20 The Council undertook a housing market assessment in 2007/08 to provide up to date evidence and information for the Core Strategy. Affordable housing needs still remain high with a need of 286 units per annum. The need for affordable housing as identified by this assessment exceeds, on an annualised basis, the overall RSS housing requirement for the Borough, of 150 units per annum. This causes a particular difficulty in North Warwickshire because the analysis further shows that the ratio of income to house prices /

market rental in the Borough is such that the greatest amount of need is for socially rented accommodation. Since the adoption of the 2006 Local Plan therefore “local affordable housing” for North Warwickshire has related to the provision of socially rented housing provided by a Registered Social Landlord, or housing of a similar standard that is available at an equivalent or lower cost (in terms of weekly or monthly repayments or rent). Socially rented accommodation is not the only provision of local affordable housing but it is a means of comparison to ensure that the housing that is provided is affordable for those in housing need in North Warwickshire.

- 6.21 Increasingly however, it is clear that the viability of these schemes is coming in to question as sources of external funding, such as from the Homes and Communities Agency, is increasingly difficult to access. This means that the Borough Council will have to look at other forms of provisions that clearly deliver aspirations for affordable quality homes. Intermediate housing, such as shared ownership or discounted market housing (in perpetuity), whether provided by an RSL or by a private developer is acceptable. But it will only be able to satisfy a very small proportion of the local housing need (some 3.8%). This is because such housing will only be affordable in North Warwickshire if it compares in terms of standard (size / security of tenure / facilities) and monthly outgoings for rent / mortgage to the rent paid in the socially rented sector.
- 6.22 Provision of affordable housing remains one of the main priorities for the future. ‘Right to buy’ / acquire has exacerbated the local situation leaving a dwindling supply of housing held by the Council or Registered Social Landlords. In villages with a population of less than 3000 it is possible to curtail the right to acquire from Registered Social Landlords (RSL’s). Lower thresholds and higher percentages than those prescribed in PPG3 are justified and pursued in the Plan, and sites are identified to provide exclusively for affordable housing. A further Plan measure is the restriction to only meet local affordable housing need in rural settlements.
- 6.23 In terms of delivery of housing sites the Borough Council has been working with the Homes & Communities Agency and other local authorities in the sub-region to prepare a Local Investment Plan (LIP). This includes a list of priority sites that it will pursue with Registered Social Landlords and the private sector to deliver. In addition, the Borough Council itself has built affordable units and will pursue this again where possible and is looking to its own and other public sector land to unlock further opportunities.
- 6.24 Any local affordable housing will have a cascade of eligibility from local ward up to Borough level. It is important that the housing provided caters for the local affordable housing need and that this is maintained as such in perpetuity. In the first place, priority will be given to those who currently live or work in the ward where the development is taking place. Secondly, the needs of those living in adjacent wards will be considered followed then by the wider needs of the Borough. Those who have been offered a job in North

Warwickshire and need to move into the area but cannot afford a house will also be eligible if they can provide proof of the job offer.

- 6.25 Planning conditions will be imposed or planning obligations be sought in order to ensure that affordable housing provision is provided in a way that meets local needs and is locally affordable in perpetuity. This will mean that innovative ways of providing affordable housing will need to be pursued. This will include commuted sums from small developments that collectively can provide a viable sum and the availability of a suitable site to provide affordable housing elsewhere in the Borough.
- 6.26 A monitoring target has been set to ensure that during the period 2006 – 2026 40% of the dwellings completed are affordable.
- 6.27 Rural Exception Sites will be included in future Development Plan Documents.

NW3 AFFORDABLE HOUSING

A minimum of 40% of dwellings completed in the period from 31st March 2006 to 31st March 2026 is to be in the form of locally affordable housing.

Delivery of Strategic Objectives: 1, 2

SUSTAINABLE DEVELOPMENT

- 6.28 The Council recognises the importance of sustainability. In this respect, all development should demonstrate that it is sustainable, with built development designed, laid out and constructed in a manner to ensure the long term retention, adaptation and re-use; that services and facilities that link and support development must be protected and improved where necessary; and that promotion of sustainable transport is prioritised, since within rural areas there is a reliance on private vehicular transport. This is in line with the Government's intentions towards sustainable patterns of movement.
- 6.29 Transport in a rural area has a different dynamic to that in a built up area. There is a strong dependence on the use of the motor car, as rural bus services may not provide the required journey at the relevant time to access employment sites, in particular. This issue is being exacerbated by the cut in funds to bus operators. This reliance on the motor car can lead to local issues that may result in a greater need for on-site parking and thus result in localised parking standards.
- 6.30 Equal opportunities are an increasingly important matter in planning. Recent legislation sets out the Council's obligations in ensuring that development is suitable for people of all ages, abilities and backgrounds. In addition,

promoting healthy and active lifestyles is a key local priority, as set out in the North Warwickshire Sustainable Community Strategyⁱⁱⁱ.

- 6.31 Open spaces, whether publicly or privately owned, are important within settlements as they break up the built form and contribute to local identity. Settlement Character Assessments will be undertaken to identify public spaces within the settlements, and will seek to protect and enhance them. The Council's PPG17 Open Space, Sport & Recreation Audit and Green Space Strategy^{iv} identify existing shortfalls in provision, as well as further classifying the importance of existing open spaces.
- 6.32 People within the Borough should be able to enjoy places without undue disturbance or intrusion from neighbouring uses. This protection of amenity in the public interest accords with paragraph 29 of the companion note to PPS1^v. The Council will look to protect, and improve where possible, living and working conditions through development proposals, which will be enforced by planning conditions or through the Council's Environmental Health powers.
- 6.33 The Rivers Tame, Blythe and Anker wildlife sites in the Borough. All are at risk of pollution, particularly the River Blythe, which is a Site of Special Scientific Interest. In addition, despite flood alleviation works in some parts of the Borough, a significant amount of residential and employment land along and near these corridors is at risk of flooding.
- 6.34 The Council seeks to reduce this risk by minimising surface water run-off to these rivers through locating new development in accordance with PPS25^{vi} and requiring Sustainable Drainage Systems (SuDS) and other appropriate attenuation measures. In line with the guidance, where there is considered to be a risk of flooding, developers will be required to conduct a Level 2 flood risk assessment as a Level 1 Strategic Flood Risk Assessment was carried in 2009. Recommendations from this study will be used as guidance and included in future Development Plan Documents. In addition, ponds and ditches form an important natural drainage function that should where possible be protected and enhanced, especially as they can also result in environmental enhancement and provide benefits to wildlife.
- 6.35 The raw material, heavy infrastructure and disposal needs of the adjacent Birmingham conurbation and other nearby major urban areas have resulted in additional pressures on the Borough's land resources, including potential contamination. The Borough still has a legacy from extensive coal mining and other extraction. Whilst the County Council sets out the strategic approach for mineral extraction and waste disposal, the Borough retains control over contaminated land issues. In line with the requirements of PPS23, and the intentions of the Council's Environmental Health section to identify and reduce

ⁱⁱⁱ North Warwickshire Community Partnership, 2010; North Warwickshire Sustainable Community Strategy

^{iv} NWBC, 2008; North Warwickshire Green Space Strategy

^v ODPM, 2005; The Planning System: General Principles

^{vi} DCLG, 2006; PPS25: Development & Flood Risk

the amount of contaminated land across the Borough, development proposals must identify contaminated and potentially contaminated land, and secure land remediation where appropriate. Such identification may be necessary prior to determination of proposals depending on the sensitivity of the end use. In addition, strict control of the use and disposal of hazardous substances is necessary to safeguard land, premises and people.

- 6.36 Climate change is a key priority for all. Changes, especially with the improvement in green technology, can have a major long lasting impact. The Borough Council is committed to reducing the carbon footprint of the Borough and encourages changes that lead to such improvements. It has worked with other authorities in the sub-region to produce a Renewable Energy Study. This indicated there was little opportunity for large scale wind generation. In addition it has worked with the sub-regional authorities and the Carbon Trust to produce a renewable energy toolkit.

<p>NW4 SUSTAINABLE DEVELOPMENT</p> <p>Development should meet the needs of residents and businesses without compromising the ability of future generations to enjoy the same quality of life that the present generation aspires to. Development should:</p> <ul style="list-style-type: none">• be adaptable for future uses and take into account the needs of all users;• use renewable energy resources including on-site generation of at least 10% of the scheme's requirements where possible;• reduce energy use to a minimum;• maintain and improve the provision of accessible local and community services, unless it can be demonstrated that they are no longer needed by the community they serve; not needed for any other community use, or that the facility is being relocated and improved to meet the needs of the new, existing and future community;• promote healthier lifestyles for the community to be active outside their homes and places of work;• reduce the use of cars and the encouragement of alternative forms of sustainable transport;• have satisfactory means of access, focusing on pedestrian access and sustainable transport methods along with necessary storage facilities, as well as providing for sufficient parking and manoeuvring for vehicles in accordance with adopted standards;• expand or enhance the provision of open space and recreation facilities, and not lead to the loss unless a site of equivalent quality and accessibility can be provided, or shown that it is surplus to needs;• avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, fumes or other pollution;• manage the impacts of climate change through the design and location of development, including sustainable drainage, water efficiency measures and ensuring no net loss of flood storage capacity;

- protect the quality of ground or surface water sources so as to reduce the risk of flooding, on site or elsewhere; and
- not sterilise known mineral reserves; degrade soil quality or pose risk to human health and ecology.

Delivery of Strategic Objectives: 1, 6, 8, 9

QUALITY OF DEVELOPMENT

- 6.37 The Commission for Architecture and the Built Environment (CABE) has developed the Building for Life (BfL)^{vii} standard in conjunction with the Home Builders Federation, and is supported by government as the standard for the design quality on new homes. BfL provides a means of ensuring new developments meet appropriate design standards; respect their setting, and are sustainable, thus creating quality places.
- 6.38 The Borough Council is committed to using the BfL standard within new residential developments. It will look to promote Building for Life, and where appropriate, offer specific guidance drawing on this initiative. Consequently, the aim is to ensure that all new housing developments achieve a good standard of design as defined by the BfL standard.
- 6.39 Providing enough housing of the right type and of a high quality design is a key aim of this Plan. Ensuring high quality design across the commercial and industrial sector is equally as important. Many elements of the BfL standard apply to non-domestic buildings, and this approach is further supported by the West Midlands Sustainability Checklist^{viii}.
- 6.40 The Council recognises the importance of planning development to reduce the opportunity for crime. Whilst crime levels across the Borough are generally lower than other areas of the West Midlands, design should ensure such figures are maintained and further lowered where possible. It is clear that the fear of crime especially at night is still an issue, as for example the Atherstone Parish Plan highlights that there is still fear of being out at night. The Secured by Design^{ix} principles are widely accepted to contribute to lowering crime rates.
- 6.41 North Warwickshire is made up of a number of communities and thus there are very differing styles. The Landscape Character Appraisal and individual Settlement Appraisals have been carried out and will be developed further into Supplementary Planning Documents and should be used as the basis for creating locally distinctive proposals. The Borough Council has Design Champions and they will be used to promote and encourage local distinctiveness in new developments.

^{vii} CABE, 2008; Building For Life 20, www.buildingforlife.org

^{viii} WMRA, 2009; West Midlands Sustainability Checklist, www.checklistwestmidlands.co.uk

^{ix} ACPO CPI, 1989; Secured by Design, www.securedbydesign.com

6.42 In addition to delivering suitable forms of development in appropriate locations, a main objective of the Core Strategy is to promote high quality development at all times. Policies in this Plan are formulated with this objective in mind. Quality developments rely on a combination of factors including aesthetics of the buildings; how water is dealt with and how development fits within the landscape, both rural and urban. Other policies play an equal part in the achievement of quality developments such as how access is gained to a site and how cars and lorries are treated within a scheme. All are crucial in achieving high quality developments within the Borough.

NW5 QUALITY OF DEVELOPMENT

All development proposals must demonstrate a high quality of sustainable design that positively improves the character, appearance and environmental quality of an area and the way it functions as well as deterring crime. In particular, proposals should:

- create places and spaces for people
- reflect local character and distinctiveness
- protect local amenity
- consider opportunities for a mix of use and in particular economic uses
- consider opportunities for public art
- create safe, healthy and accessible environments
- make good provision for access by all transport modes
- ensure accessible environments that give priority to pedestrian and cycle access and provide linkages and integration with surrounding housing, employment, services, facilities and spaces
- deliver higher densities in places with good public transport accessibility
- protect historic character and integrate historic buildings and features where these occur
- provide, conserve and enhance biodiversity and create linkages between green spaces and wildlife corridors.

Delivery of Strategic Objectives: 1, 6, 7, 8, 9

NATURAL & HISTORIC ENVIRONMENT

Natural Environment

6.43 North Warwickshire is characterised by distinctive and open countryside with market towns and many small villages and hamlets. Large country estates make up part of the Borough and much of this open character is in part due to their existence. The overwhelming land use is agriculture, often in extensive estates and accompanied by countryside recreation. The Borough has many

Sites of Special Scientific Interest, Regional Geological Sites (RIGS), Local Sites (Wildlife and Geological), Parks and Gardens of Historical Interest, Country Parks and Warwickshire Wildlife Trust Nature Reserves. However, biodiversity is not only restricted to these sites, but also extends into the wider countryside where protected, rare and endangered species exist, forage or rest. Assets are not only statutory and non-statutory sites, including potential sites, but also those that maintain connectivity within the landscape. Some of these assets have already been identified but are continually being updated. Therefore Supplementary Planning Documents will be prepared in order to allow the information to be updated. Contributions will be sought to assist with the delivery of creating and maintaining the borough's biodiversity and geodiversity assets.

- 6.44 The Core Strategy, therefore, recognises that it is essential for a healthy and diverse landscape to be protected and enhanced to ensure species movement throughout the Borough as well as into neighbouring authorities. This flow will assist with climate change adaptation by enabling species to expand populations as well as move to more favourable areas.
- 6.45 Due to the area's natural assets and growth pressure from surrounding areas the primary planning policy will be appropriate development of the appropriate size in the appropriate location.
- 6.46 Regeneration of the Market Towns particularly through mixed-use development will allow the primary assets of the Borough - its countryside and settlements - to be protected and enhanced. Policies to protect and improve the Countryside beyond defined settlement boundaries will continue and are developed in the Strategy.
- 6.47 National Green Belt policy operates over two thirds of the Borough. Within Green Belts the primary aim is to maintain the open nature of the area, and there is a general presumption against development that is inappropriate, except in very special circumstances. The general location of the Green Belt within North Warwickshire is shown on the Key Diagram with the detailed boundaries shown on the Proposals Map.
- 6.48 The maintenance of the Green Belt is seen as a vital component in protecting and enhancing the Borough as an area of pleasant countryside, especially by preventing the incursion of nearby urban areas. The wholeness of the Green Belt designation is important, and further exclusions would reduce its effectiveness. Greenbelt boundaries were reviewed in the last Local Plan.
- 6.49 It is intended that mineral workings sites, both in use or exhausted, as well as existing employment sites be put back into appropriate Green Belt / rural uses as current operations and permissions cease.

Historic Environment

- 6.50 North Warwickshire has been shaped by human activity over many thousands of years, and the distinctiveness of its present landscapes and settlements reflects this historic character. Amongst the more prominent features of its historic environment are remains of a number of monastic sites from the middle ages, whilst the economic exploitation of the Borough's geology has left a rich heritage of industrial archaeology. The Warwickshire Historic Environment Record contains records of over 1350 archaeological sites, of which 29 are Scheduled Ancient Monuments. There are 579 Listed Buildings, 10 Conservation Areas and 3 Registered Parks and Gardens. Apart from these discrete sites, the entire landscape has intrinsic historic interest which contributes to the local sense of place and is valued by residents and visitors. It has been systematically characterised through the national programme of Historic Landscape Characterisation and the results of this work are available to inform the planning and design of developments.
- 6.51 The Historic Environment is a finite and non-renewable resource. 10 designated assets were identified by English Heritage as being 'at risk', mainly from disuse or neglect, in 2008^x. Kingsbury Hall and Astley Castle are undergoing major work. The Borough Council will continue to work with owners to seek ways of securing their future.
- 6.52 The Borough recognises the role of the Historic Environment in shaping the distinctiveness of the Borough and in contributing to quality of life and quality of place. It is committed to protecting and where possible enhancing its historic assets. Proposals for new development should reflect this commitment, with design that reflects local distinctiveness and adds value to it. Proposals which may have an impact upon the Borough's Historic Environment will be assessed in accordance with regional and national policy and guidance^{xi}."

NW6 NATURAL & HISTORIC ENVIRONMENT

The quality, character, diversity and local distinctiveness of the natural and historic environment will be conserved and enhanced. Within identified landscape character areas development will conserve, enhance and where appropriate, restore landscape character as well as promote a resilient, functional landscape able to adapt to climate change. Specific landscape,

^x Heritage at Risk Register 2008 (English Heritage 2009)

^{xi} Regional Spatial Strategy Policy QE5 (Protection and Enhancement of the Historic Environment): *Conservation principles, Policies and Guidance for the Sustainable Management of the Historic Environment* (http://www.english-heritage.org.uk/upload/pdf/Conservation_Principles_Policies_and_Guidance_April08_Web.pdf?1271145138 English Heritage 2008); *PPS5 Planning for the Historic Environment* (March 2010); *Government's Statement on the Historic Environment for England* (<http://www.culture.gov.uk/images/publications/HeritageVision.rtf> March 2010)

geodiversity, wildlife and historic features which contribute to local character will be conserved and enhanced.

The quality of the historic environment including archaeological features will be conserved and enhanced.

The outer extent of the West Midlands Green Belt in North Warwickshire is shown on the Proposals Map. Within this area, Government Policy Guidance *Note 2 Green Belts* or equivalent will apply.

Areas within Development Boundaries are excluded from the Green Belt.

Delivery of Strategic Objectives: 1, 6, 7, 8, 9

NW7 NATURE CONSERVATION

Sites of scientific Interest will be subject to a high degree of protection. Development adversely affecting a SSSI will only be permitted in exceptional circumstances.

Habitats and features of regional and local importance for nature conservation will be protected and where possible, enhanced through beneficial management.

Biodiversity and geological interest will be maintained, where appropriate and conserved and enhanced through new development. Opportunities to enhance the connectivity of biodiversity, geological and other sites will be sought.

Delivery of Strategic Objectives: 1, 6, 7, 8, 9

Green / Grey Infrastructure

6.53 Green Infrastructure (GI) is a strategically planned and delivered network of high quality green spaces and other environmental features. It should be designed and managed as a multifunctional resource capable of delivering a wide range of environmental and quality of life benefits for local communities. Green Infrastructure includes parks, open spaces, playing fields, woodlands, allotments and private gardens.

6.54 The Borough Council is working with other authorities in the sub-regional and Natural England to develop a Sub-regional Strategy for Green Infrastructure. Although nationally sites are normally over 100 hectares this study is looking at sites of around 50 hectares or groups of sites that add up to 50 hectares. The outcome of this work will be taken forward in other Development Plan Documents.

NW8 GREEN / GREY INFRASTRUCTURE

Throughout the Borough a comprehensive network of corridors will be maintained, enhanced and created for flora, fauna and humans, which will link into sub-regional networks.

Delivery of Strategic Objectives: 1, 6, 7, 8, 9

ECONOMIC REGENERATION

- 6.55 Although North Warwickshire saw one of the largest growths in terms of logistics and support facilities in the West Midlands it is still a fragile economy, with a high dependency on a narrow range of companies, as outlined in the Employment Topic paper. The growth of the small to medium sized enterprises, in particular, will continue to be supported. Both appropriate rural diversification and regeneration of existing sites will be part of the long term strategy to address the economic issues that the Borough faces. Working with neighboring authorities and relevant Local Enterprise Partnerships the Borough Council will focus on long lasting skilled employment generating uses rather than the traditional B1 (offices and light industrial), B2 (general industry) and B8 storage and distribution. In particular research and development and other knowledge based companies / facilities would be welcomed.

NW9 ECONOMIC REGENERATION

The delivery of employment generating uses including the redevelopment of existing employment sites and farm diversification should reflect the need to broaden the employment base, improve employment choice and opportunity.

Delivery of Strategic Objectives: 1, 3, 5

REGENERATION OF ATHERSTONE

- 6.56 Atherstone is one of the Market Towns in the Borough and acts as the Civic Centre for the Borough. Its vitality is important to the surrounding areas. The town centre has been the subject of numerous initiatives to try and stimulate regeneration.
- 6.57 There are a number of opportunities for regeneration both in the town centre and the industrial estates. The priority for development in Atherstone will be to exploit these opportunities in both the town centre and industrial estates.

NW10 Atherstone Regeneration

Proposals that assist in the continued regeneration of Atherstone will be supported and encouraged. Partnership schemes, which allow the bringing together of civic services releasing sites for redevelopment, will be sought,

Partnership working, with both the public and private sector, will be central in the delivery of regeneration of Atherstone. Key sites in the town centre and industrial estates, as well as other redevelopment sites within the existing development boundary, will be pursued where they achieve the following outcomes:

- Improved community facilities in more sustainable buildings (low maintenance / energy efficient)
- Improved energy efficiency
- Creation / protection of jobs
- Improved historic environment in terms of visual outer appearance and make improvements to the internal long term historic fabric of the building

Delivery of Strategic Objectives: 1, 3, 4

LOCAL SERVICES & FACILITIES

6.58 Local Services and facilities are key to the vitality of the many towns, villages and hamlets in the Borough. The Core Strategy will protect and support local services and facilities across the Borough and will ensure community involvement in the consideration of the means of achieving this. Further advice and guidance will be developed.

NW11 SERVICES & FACILITIES

Proposals that would result in the loss of an existing service or facility which contributes to the functioning of a settlement will only be supported where the facility is replaced elsewhere or proven that it will not harm the vitality of the settlement.

Delivery of Strategic Objectives: 1, 6, 7, 8, 9

ADJOINING AUTHORITIES

6.59 As explained in the Spatial Portrait of the Borough North Warwickshire has urban areas to the east, south and west of its boundaries. Many of these areas are looking to grow substantially, although the exact figures are now in

flux with the impending abolition of the Regional Spatial Strategy. The only area that there may be implications in terms of land take is from Tamworth.

- 6.60 Tamworth lies to the north-west of the Borough and its boundaries are constrained. The Regional Spatial Strategy in the Preferred Option suggested that land for housing may be an issue for Tamworth and that land outside of its administrative boundary would need to be identified to deliver its housing requirement. However the Panel Report, following the Examination in Public for the RSS, recommended that Lichfield should cater for Tamworth's housing needs. The Panel Report recommended however that North Warwickshire should cater for Tamworth's employment needs. This was not quantified. The main issue for the Borough Council would be to ensure that any building required in North Warwickshire is a last resort and all other avenues have been exhausted.

NW12 ADJOINING AUTHORITIES

Land will be allocated to cater for the employment needs of Tamworth and will only be released only when:

- all sites have been delivered inside Tamworth's Borough boundary; and,
- there is a proven need

Sites will be expected to be directly adjacent to Tamworth's Borough Boundary. If there are no suitable sites then sites following the Spatial Strategy of this Plan may be considered.

Land for alternative uses will follow the same principles as above.

Delivery of Strategic Objectives: 1

7. Delivery

7.1 The delivery of infrastructure at the right time and in the right place will be essential for the delivery of this Core Strategy. Considerable importance is attached to the need to ensure that local communities in North Warwickshire have reasonable access to a range of services and facilities:

7.2 A number of factors underpin the importance of planning agreements and Section 106 contributions in North Warwickshire:-

- The area is relatively remote with a small but dispersed population and this has an impact on the cost of service provision.
- The Authority has a history of working in partnership with developers to secure and deliver local benefits through the Planning process.
- The area does not benefit from any significant UK, regional nor EU regeneration regimes.
- There are significant public concerns to ensure the impacts of development are mitigated.
- Again, there is public concern to maintain the provision of local services that are vital to community life.
- Limited Council resources reflecting a small and rural population.

7.3 The Council will work with and look to developers to contribute effectively to maintaining and developing local Quality of Life and assisting in the delivery of the Sustainable Community Strategy, through high standards of development; the type and character of buildings and uses proposed and from measures of the type set out below and referred to in paragraph 16 of PPS1:

- ensure that the impact of development on the social fabric of communities is considered and taken into account;
- seek to reduce social inequalities;
- address accessibility (both in terms of location and physical access) for all members of the community to jobs, health, housing (particularly affordable housing), education, shops, leisure and community facilities;
- take into account the needs of all the community, including particular requirements relating to age, sex, ethnic background, religion, disability or income;
- deliver safe, healthy and attractive places to live; and,
- support the promotion of health and well being by making provision for physical activity

These may be required by planning conditions or sought in the form of Planning Obligations in accordance with Circulars 11/95 and 05/05 respectively (or their successors).

7.4 Alongside this Core Strategy is an Infrastructure Delivery Plan. This sets out the known infrastructure requirements to accommodate the growth within the

Borough. This will be updated on a regular basis. The Plan will feed in to a Community Infrastructure Levy which is a new planning charge that came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010 (now amended by the Community Infrastructure Levy (Amendment) Regulations 2011). The Borough Council will work with partners to develop a Community Infrastructure Levy charging schedule as well as seek alternative funding opportunities.

- 7.5 The policies give a framework within which assessments of S106 and CIL will be made. These will be supplemented, where necessary, over time by further advice in the form of guidance notes and Supplementary Planning Documents.

NW13 INFRASTRUCTURE

The Strategy's policies and proposals will be implemented by working in constructive partnership with funding agencies and service providers; by the grant or refusal of planning permission, and by the use of planning conditions and obligations, in order to secure the following key priorities:

- Provision of affordable housing;
- Protection and enhancement of the environment and mitigation of the environmental impact of past and proposed development of land;
- Provision of necessary services, facilities and infrastructure to meet the demands of new development and communities to include open space, sports and recreation; and,
- Provision of training and upskilling opportunities

Delivery of Strategic Objectives: All

8. Monitoring

Monitoring of the Core Strategy is a central component of ensuring that the Core Strategy delivers.

Core Strategy Policy		Strategic Objective	Indicator	Target
No	Title			
NW1	Settlement Hierarchy	1,2,3,4	Amount of development in each settlement	The minimum or maximum housing requirement per settlement
NW2	Amount of Development	2,3	Amount of development taking place	3000 dwellings 26 Gypsy & Traveller pitches 44 hectares Employment land
NW3	Affordable Housing	1,2	Amount of affordable housing built	40% of overall housing target = 1400 units
NW4	Sustainable Development	1,6,7,8,9	Amount of flood storage Amount of on site energy generation Energy reduction measures Achieving the Green Space Strategy action plan Creation of alternative transport services / routes	No net loss of flood storage At least 10% on site Target to be developed Green Space Action Plan Link to LTP
NW5	Local Distinctiveness	1,6,7,8,9	Indicator and target to be developed through Design Guidance	
NW6	Natural & Historic Environment	1,6,7,8,9	Maintenance of Conservations Areas Landscape Character Assessment	Number of Appraisals No adverse impact on sensitive areas

			Buildings at Risk Green Belt maintenance	No of buildings on the “At Risk Register” Amount of land lost from Green Belt
NW7	Nature Conservation	1,6,7,8,9	Addressing quality and number of sites	Targets to be developed with Warwickshire Wildlife Trust and County
NW8	Green Infrastructure	1,6,7,8,9	Making sure maintenance of identified assets and connectivity between them	Discussions to be carried out with County and other partners
NW9	Economic Regeneration	1,3,5	Improvement in economic performance	GVA per head
NW10	Regeneration of Atherstone	1,3,4	Vitality and viability of Atherstone	Reducing no of empty shops / units Delivery of development sites
NW11	Local Services & Facilities	1,6,7,8,9	Maintenance of existing services and facilities	Number of improvements to services and facilities
NW12	Adjoining Authorities	1	Tamworth Borough Council maintains a supply of land within their boundary	Amount of development taking place
NW13	Delivery of Infrastructure	All	Provision of infrastructure	Amount of infrastructure provided

Key Words

Below is a list of some of the key words that can be found throughout this document. A full glossary is available on the website.

Core Strategy: - The Core Strategy is the key document in the local development framework (LDF) and sets the strategic context for other development plan documents; all other local development documents must conform to it. The core strategy will contain the strategic policies that will guide the sustainable development of the district from when it is adopted.

Local Development Documents: - Documents which collectively set out the spatial planning strategy for a local planning authority's area. They are of two types: Development Plan Documents and Supplementary Planning Documents.

Local Development Framework (LDF): - A portfolio of local development documents which together provide a framework for delivering the spatial planning strategy for a local planning authority area. The LDF consists of a saved Local Plan, Development Plan Documents, Supplementary Planning Documents, the Statement of Community Involvement, the Local Development Scheme and Annual Monitoring Report.

Regional Logistics Site (RLS): - Regional Logistics Sites specialise in providing large units and premises for warehousing and distribution firms. They tend to be developed by specialist property developers providing 'logistics parks' or one-off units for national and regional distribution and warehousing centres. The RSS (see below) sets out a series of criteria such sites must satisfy to be classed as RLS's including rail access.

Regional Spatial Strategy (RSS): - The West Midlands RSS currently forms part of the "development plan" for the Borough. It provides a vision for the development in the region to 2026. It provides a framework to address the 'spatial' implications of issues such as healthcare, education, crime, housing, transport, communications, tourism and leisure, employment, urban/rural regeneration and the environment (including waste and energy). The RSS focuses on the general location and scale of development, but does not identify specific sites. Government has announced and it is in the Decentralisation and Localism Bill that the RSS are soon to be abolished.

Sustainable Community Strategy (SCS): - The Government placed a duty on every local authority to prepare a Community Strategy. They should contribute to sustainable development, provide a long term vision for the future of the Borough and identify key priorities and actions to address the priorities, which may realistically be achieved in the medium term. The current North Warwickshire Sustainable Community Strategy covers up to 2026 and has a three year rolling action plan.

Key Diagram: - The Key Diagram is diagrammatic interpretation of the spatial strategy as set out in this Local Plan. It indicates the general location of broad areas

of future development together with linkages between such areas and the relationship to other strategies and neighbouring areas. Broad areas of constraint / protection / little anticipated change may also be shown.

Saved Policies

Policies saved from Local Plan (adopted July 2006)

2	LOCAL PLAN STRATEGY	Will the policy continue to be saved?	If not which Policy in the Draft Core Strategy supercedes it	If yes which future document is likely to update the policy?
CP1	Social & Economic Regeneration	No	NW9	
CP2	Development Distribution	No	NW1	
CP3	Natural & Historic Environment	No	NW6, NW7, NW8	
CP5	Development in Towns and Villages	No	NW1	
CP6	Local Services & Facilities	No	NW11	
CP8	Affordable Housing	No	NW3	
CP10	Agriculture & the Rural Economy	Yes		Development Management DPD, Neighbourhood Plan
CP11	Quality of Development	No	NW4, NW5	
CP12	Implementation	No	NW13	
3	NATURAL & BUILT ENVIRONMENT POLICIES			
ENV1	Protection & Enhancement of Natural Landscape	No	NW6	
ENV3	Nature Conservation	No	NW7	
ENV4	Trees and Hedgerows	Yes		Development Management DPD, Neighbourhood Plan
ENV5	Open Space	No	NW4	

Draft Core Strategy
September 2011

ENV6	Land Resources	Yes		Development Management DPD, Neighbourhood Plan
ENV7	Development of Existing Employment Land outside Defined Development Boundaries	No	NW4	Development Management DPD, Neighbourhood Plan
ENV8	Water Resources	Yes		Development Management DPD, Neighbourhood Plan
ENV9	Air Quality	Yes		Development Management DPD, Neighbourhood Plan
ENV10	Energy Generation & Energy Conservation	Yes		Development Management DPD, Neighbourhood Plan
ENV11	Neighbour Amenities	Yes		Development Management DPD, Neighbourhood Plan
ENV12	Urban Design	Yes		Development Management DPD, Neighbourhood Plan
ENV13	Building Design	Yes		Development Management DPD, Neighbourhood Plan
ENV14	Access Design	Yes		Development Management DPD, Neighbourhood Plan
ENV15	Heritage Conservation, Enhancement and Interpretation	Yes		Development Management DPD, Neighbourhood Plan
ENV16	Listed Buildings, non Listed Buildings of Local Historic Value and Sites of Archaeological Importance (including Scheduled Ancient Monuments)	Yes		Development Management DPD, Neighbourhood Plan
ENV17	Telecommunications	Yes		Development Management DPD, Neighbourhood Plan
4	HOUSING POLICIES			
HSG1	Housing Land Allocations & Proposals	Yes		Development Management DPD, Neighbourhood Plan

HSG2	Affordable Housing	Yes		Development Management DPD, Neighbourhood Plan
HSG3	Housing Outside Development Boundaries	Yes		Development Management DPD, Neighbourhood Plan
HSG4	Densities	Yes		Development Management DPD, Neighbourhood Plan
HSG5	Special Needs Accommodation	Yes		Housing DPD, Neighbourhood Plan
5	ECONOMY POLICIES			
ECON1	Industrial Sites	Yes		Development Management DPD, Neighbourhood Plan
ECON2	Employment Land	Yes		Site Allocations DPD
ECON3	Protection of Existing Employment Sites & Buildings within Development Boundaries	Yes		Development Management DPD, Neighbourhood Plan
ECON4	Managed Workspace / Starter Units	Yes		Development Management DPD, Neighbourhood Plan
ECON5	Facilities relating to the Settlement Hierarchy	Yes		Development Management DPD, Neighbourhood Plan
ECON6	Site at Station Street including Former Hat Factory, Atherstone	Yes		Development Management DPD, Neighbourhood Plan
ECON7	Agricultural and Forestry Buildings & Structures	Yes		Development Management DPD, Neighbourhood Plan
ECON8	Farm Diversification	Yes		Development Management DPD, Neighbourhood Plan
ECON9	Re-Use of Rural Buildings	Yes		Development Management DPD, Neighbourhood Plan
ECON10	Tourism & Heritage Sites & Canal Corridors	Yes		Development Management DPD, Neighbourhood Plan
ECON11	Hotels & Guest Houses	Yes		Development Management DPD, Neighbourhood Plan

ECON12	Services & Facilities in Category 3 & 4 Settlements	Yes		Development Management DPD, Neighbourhood Plan
6	COMMUNITY FACILITIES POLICIES			
COM1	New Community Facilities	No		Development Management DPD, Neighbourhood Plan
COM2	Protection of Land & Buildings used for Existing Community Facilities in the Main Towns & Market Town	Yes		Development Management DPD, Neighbourhood Plan
COM3	Safeguarding Educational Establishments	Yes		Development Management DPD, Neighbourhood Plan
7	TRANSPORT POLICIES			
TPT1	Transport Considerations in New Development	Yes		Development Management DPD, Neighbourhood Plan
TPT2	Traffic Management & Travel Safety	Yes		Development Management DPD, Neighbourhood Plan
TPT3	Access and Sustainable Travel and Transport	Yes		Development Management DPD, Neighbourhood Plan
TPT4	Public Transport Improvements & New Facilities	Yes		Development Management DPD, Neighbourhood Plan
TPT5	Promoting Sustainable Freight Movement & Safeguarding Future Freight Opportunities	Yes		Development Management DPD,
TPT6	Vehicle Parking	Yes		Development Management DPD, Neighbourhood Plan
TPT7	Airport Parking	Yes		Development Management DPD, Neighbourhood Plan

Policies saved from Minerals Local Plan for Warwickshire (adopted February 1995)

M1	Areas of Search and Preferred Areas.
M4	Sand and Gravel Extraction in the context of Landbanks
M5	Sterilisation of Mineral Reserves
M6	Considerations and Constraints affecting Minerals Extraction
M7	Mitigation and Planning Conditions/Agreements
M9	Restoration of Mineral Workings
M10	Monitoring of Mineral Sites

Policies saved from Waste Local Plan for Warwickshire (adopted August 1999)

1	General Land Use
3	Landfilling
5	Incinerators
6	Materials Recycling Facilities
9	Large Scale Composting
13	Proposed Facilities

Policies saved from Warwickshire Structure Plan (adopted August 2001)

GD7	Previously developed sites
I2	Industrial Land provision
T10	Developer contributions
TC2	Hierarchy of Town Centres
T7	Public Transport

Settlements Hierarchy for North Warwickshire

Category 1	Non Green Belt Market Towns and adjoining settlements	
	Atherstone with Mancetter	
	Polesworth with Dordon	
Category 2	Green Belt Market Town	
	Coleshill	
Category 3A	Local Service Centres (non Green Belt)	
	Grendon / Baddesley Ensor (together, as a single network of villages)	
	Hartshill with Ansley Common	
Category 3B	Local Service Centres (Green Belt)	
	Old and New Arley (together, as a single network of villages)	
	Kingsbury	
	Water Orton	
Category 4C	Other settlements with a development boundary (non Green Belt)	
	Ansley (eastern side of village non Green Belt)	
	Austrey	
	Newton Regis	
	Shuttington	
	Warton	
Category 4B	Other settlements with a development boundary (Green Belt)	
	Curdworth	
	Fillongley	
	Hurley	
	Piccadilly	
	Shustoke	
	Whitacre Heath	
	Wood End	
Category 5	Other settlements / hamlets	
	<i>Green Belt</i>	<i>Non Green Belt</i>
	Bassetts Pole	Alvecote
	Corley and Corley Moor	Freaseley
	Furnace End	Ridge Lane
	Middleton	

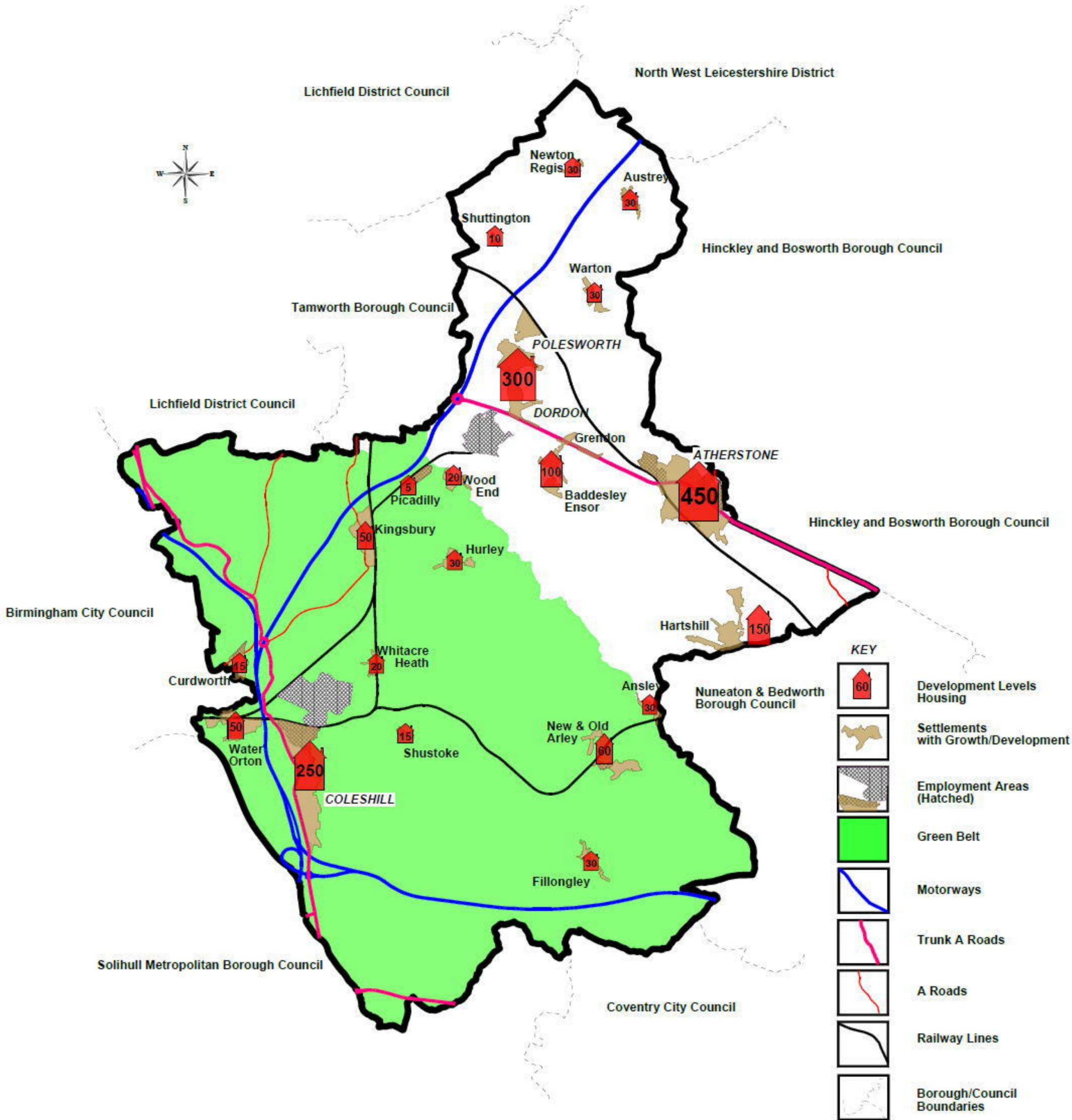
Links with other Documents

	<i>Strategies</i>	<i>Studies</i>	<i>Other Documents</i>
National	Planning Policy Statements		
	National Planning Policy Framework		
			Ministerial Statements
			Emerging Acts
Regional	Regional Economic Strategy		
	West Midlands Regional Spatial Strategy		
	West Midlands Regional Housing Strategy		
Sub Regional		Sub-regional Employment Study	
	Local Enterprise Partnership Five year Strategy	Sub-regional Infrastructure Study	
	Local Investment Plan (Housing)	Gypsy & Travellers Accommodation Needs Assessment	
		Strategic Flood Risk Assessment	
		Water Cycle Strategy	
		Green Infrastructure Study	
		Renewable Energy Study	
Local	Sustainable Community Strategy both North Warwickshire's and Warwickshire's		
	Warwickshire Local Transport Plan		
	Saved policies from adopted Local Plans – North Warwickshire Local Plan 2006, Minerals Local Plan 1989 and Waste Local Plan 19xx		
	Interim Planning Policy Statement		
	Education Plans		
	Health Plans		
	Housing Strategy		

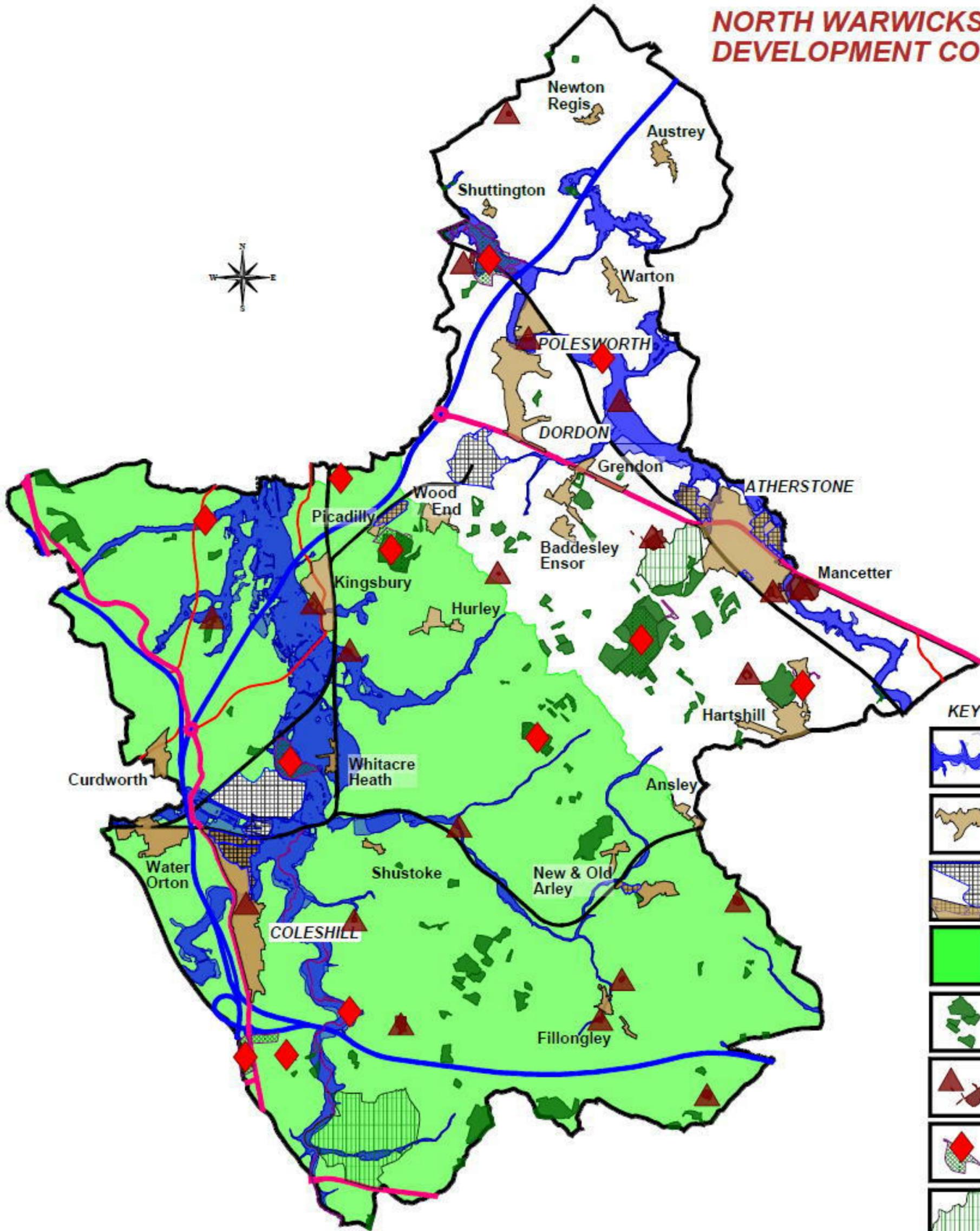
Evidence Base

Title	Author	Date
Sustainable Community Strategy		
PPG 17 Open Space, Sport and Recreation Study	Inspace	December 2008
Greenspace Strategy		December 2008
Sub-regional Employment Study	DTZ	June 2007
Housing Market Assessment	Outside	April 2008
Strategic Flood Risk Assessment	Halcrow	January 2008
Gypsy and Travellers Needs	SHUSU	February 2008
Tamworth Joint Study	Drivas Jonas	July 2009
Water Cycle Study	Halcrow	March 2010
Renewable and Low Carbon Energy resource Assessment and Feasibility Study	Camco	April 2010
Strategic Land Availability Assessment	Bakers Associates	March 2010
Landscape Character Assessment	FPCR	August 2010
Green Infrastructure Study	Land Use Consultants	July 2011
Employment Topic Paper	NWBC	September 2011
Affordable Housing Viability	NWBC	
Affordable Housing SPD update	NWBC	April 2011

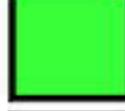
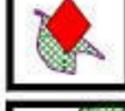
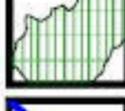
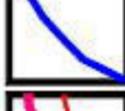
NORTH WARWICKSHIRE - KEY DIAGRAM



NORTH WARWICKSHIRE DEVELOPMENT CONSTRAINTS



KEY

-  Flood Plain
-  Settlements
-  Employment Areas (Hatched)
-  Green Belt
-  Ancient Woodland
-  Scheduled Ancient Monuments
-  Sites of Special Scientific Interest
-  Historic Parks and Gardens
-  Motorways
-  Trunk & A Roads
-  Railway Lines

Agenda Item No 9

Planning and Development Board

12 September 2011

**Report of the Assistant Chief Executive
and Solicitor to the Council**

A5 Strategy 2011 - 2026

1 Summary

- 1.1 This report relates to the development of and consultation on a Strategy for the A5 Transport Corridor.

Recommendation to the Board

- a That any comments on the draft strategy from Members be fed into the consultation process; and**
- b That Members note the date of the launch of the Draft Strategy for consultation and event on Friday the 30 September 2011.**

2 Consultation

- 2.1 A copy of the report has been sent to Councillors Stanley, Hayfield, Sweet and Simpson. Councillor Simpson would like to see:
- an assessment of the road, and what its current capacity/use is/should be;
 - an assessment of the openness of the countryside along the route of the A5 so as to ensure that not every field is simply seen as a development opportunity;
 - an assessment of what environmental improvements are currently required / desirable; and,
 - and then a look at developmental proposals against the current/desired positions

It is recommended that Councillor Simpson's comments be fed back as a response to the consultation and officers consider what work the Borough Council should undertake.

3 Background and Introduction to A5 Strategy

- 3.1 There has been a growing concern from a number of local planning authorities in the East and West Midlands, including North Warwickshire, regarding the impact of development and traffic growth on the performance and future role of the A5. This has led to the establishment of an A5

Transport Liaison Group with representation drawn from Local Government and the Highways Agency. The partnership has developed an A5 Strategy, which is designed to set out a clear way forward regarding the future role and the priorities for investment in the A5 over the next 15 years. An Action Plan, which forms part of the Strategy, has been prepared in the context of the current pressures on funding which are faced by both Central and Local Government and the ever increasing pressure for further development in this corridor.

- 3.2 The Draft Strategy has been produced by the A5 Transport Liaison Group in conjunction with the following organisations: Highways Agency, Staffordshire County Council, Warwickshire County Council, Leicestershire County Council, Northamptonshire County Council, South Staffordshire District Council, Cannock Chase District Council, Lichfield District Council, Tamworth Borough Council, North Warwickshire Borough Council, Nuneaton and Bedworth Borough Council, Rugby Borough Council, Hinckley and Bosworth Borough Council, Blaby District Council, Harborough District Council, Daventry District Council. This Strategy covers a 62 mile section of the A5 from Gailey in Staffordshire to Weedon in Northamptonshire via Leicestershire and Warwickshire. As such, it includes parts of both the West and East Midlands.
- 3.3 The Strategy has been prepared in the context of national and local policies and guidance, including the recent Local Transport White Paper. This places a strong emphasis on the transport system facilitating and supporting the recovery of the UK economy, whilst at the same time making a positive contribution towards carbon reduction and safety. The White Paper also makes it clear that transport should support communities and local business, of which there are numerous examples along or adjacent to the A5.

4 Objectives and Outcomes of the Strategy

- 4.1 The high level objectives of this Strategy relate to the national imperatives set out in the Government's recent White Paper on Transport, 'Creating Growth; Cutting Carbon'. This focuses on delivering a transport system which is an engine for economic growth, but which is greener, safer and improves quality of life for communities.
- 4.2 Based on these imperatives, the objectives of this Strategy for the A5 are as follows:
1. To ensure that the A5 is fit for purpose in terms of its capacity and safety, both now and in the future;
 2. To allow the A5 to play its full and proper role in supporting and facilitating economic activity and growth at a national and local level;
 3. To promote and encourage improvements to sustainable transport (walking, cycling, public transport and behavioural change measures) in order to help reduce congestion on the A5, improve air quality and deliver a lower carbon transport system; and

4. To reduce, where possible, the impact of the A5 on communities along the route.

4.3 It is hoped that by producing the Strategy, the following outcomes will be achieved:

- Provide a better understanding of known challenges and future opportunities on the A5 in a single evidence base;
- Put in place a Strategy that can be used to:
 - Balance the need to assist in unlocking the economic potential of the A5 corridor whilst at the same time ensuring capacity and highway safety issues are addressed;
 - Inform or support policy documents such as Local Development Frameworks, Local Transport Plans and strategies for the Local Enterprise Partnerships;
 - Inform discussions with developers regarding Transport Assessments and contributions towards transport mitigation measures;
 - Assist bids for funding, e.g. Regional Growth Fund, Local Sustainable Transport Fund, Major Scheme funding etc.
- Provide a comprehensive Action Plan of appropriate, deliverable and targeted interventions.

5 **Launch of Strategy**

5.1 To help launch the A5 Strategy and obtain further member and partner input into development of the Strategy a 'Strategy Launch' Event is to be held on the morning of the 30th September at The Atkins Building, Hinckley. This event is for Members and Officers from the Partnership Authorities and Agencies and will involve a "breakout session" workshop to help assess and understand the opportunities, challenges and impacts of development along the A5. It is suggested that Councillors Sweet and May are nominated to attend this event and to represent the Council on the Partnerships Member/Officer Group. The local MP's whose constituencies lie along the A5 have also been invited to attend the Launch and workshops.

5.2 As part of the development of the Strategy initial internal consultation work with partners and officers in the liaison group has already been undertaken and some additional amendments and corrections to the strategy text and maps are still needed to the copy currently available to members to view. These amendments have been forwarded for inclusion in the document that will be launched at the 30 September event.

5.3 Unfortunately, due to the size of the document it has been impossible to attach a copy to this Report. However, a copy of the Draft A5 Strategy has been placed for inspection in the members Rooms at the Council Offices. A copy is also accessible to view on the Councils intranet/files via the following link <\\Nwbc-fs2\Groups\Public\Planning Advice & Information\A5 Strategy\A>

[Strategy for the A5.pdf](#) for members with online access to the Councils public files. Alternatively a copy can be forwarded to Members on request.

6 Observations

- 6.1 The A5 is an important route within and through the Borough. With major developments taking place outside the Borough in both the northerly and southerly directions it is important that the impact on North Warwickshire is considered. This document is a way to ensure that impacts on this Borough are considered, even where development takes place outside of the Borough and where necessary improvements implemented. A Strategy for the A5 will also ensure that appropriate funding can be targeted at the route.

7 Report Implications

7.1 Resource Implications

- 7.1.1 The full extent of the resources implications are unclear at the present time. The Strategy will involve further input from Members and Officers with the creation of the Partnership Member/Officer Group to oversee development and implementation of the Strategy. The strategy will provide a focus for funding bids to the Government, Regional Growth Fund and other opportunities that may arise for accessing Major scheme Funding routes. Once there is a greater clarity on this matter a further report will be brought back to Members along with the Final A5 Strategy following input from Members and the Launch Event.

7.2 Environment and Sustainability Implications

- 7.2.1 The strategy will help direct and inform how development can be accommodated along the A5, enabling important economic growth while addressing the environmental and traffic impacts on the Corridor.

The Contact Officer for this report is Dorothy Barratt (719250)

Background Papers

Background Paper No	Author	Nature of Background Paper	Date
A Strategy for the A5 2011-2026 A449 Gailey (Staffordshire) to A45 Weedon (Northamptonshire)	A5 Transport Liaison Group	Draft Sub-Regional Strategy document	Summer 2011

Agenda Item No 10

Planning & Development Board

12 September 2011

Report of the Assistant Chief Executive and Solicitor to the Council

Draft National Planning Policy Framework

1 Summary

- 1.1 The consultation seeks views on the Draft National Planning Policy Guidance which aim to bring existing Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. Other recent Government publications are reported for information.

Recommendation to Executive Board

- a The proposed changes be noted; and**
- b The observations included in the report along with any Members comments be sent in response to the consultation.**

2 Consultation

- 2.1 Councillors Stanley, Hayfield, Sweet and Simpson have been sent a draft copy of this report.

3 Background

- 3.1 As Members will be aware the Government is looking to make changes to the planning regime mainly through the Localism Bill, which is currently passing through Parliament. As part of these changes the Government is keen to make planning less bureaucratic and more understandable. As a result they have published a consultation on bringing together all of the current planning policy statements (PPS's), planning policy guidance notes (PPG's) and some circulars into one document. This reduces the policies from over 2000 pages down to 58 pages.
- 3.2 The consultation closes on 17 October 2011. A full copy of the Draft NPPF has been placed in the Members' Rooms.
- 3.3 Section 6 below also provides Members with information on future changes and announcements from DCLG. This includes, giving a guarantee that decisions will be made within 12 months; information requirements; free schools; support for businesses and shops; and, advertising.

4. **Material Consideration**

- 4.1 Despite the NPPF only being a consultation draft, Inspectors have been advised that it gives a 'clear indication of the Government's direction of travel' and as such is capable of being a material consideration. It is for Inspector's to decide on a case by case basis what weight should be given to it, and consider its relevance to the issues. The Draft NPPF will be referred to in all Planning and Development Board reports as from September and will be considered as part of the decision making process. The weight given to the Draft NPPF will depend on each case.

5 **Main Changes from Current Policy**

- 5.1 The following section outlines the main changes to the current national planning policy that are being put forward in the Draft National Planning Policy Framework (NPPF).

1. Presumption in favour of sustainable development
2. Removing office development from 'Town Centre First' policy
3. Time horizon for assessing impacts
4. Removing the maximum non-residential car parking standards for major developments
5. Landbanks
6. Removing the brownfield target for housing development
7. Requiring local councils to allocate an additional 20% of sites against their five year housing requirement.
8. Remove the national minimum site size threshold for requiring affordable housing to be delivered.
9. Removing rural exception sites policy
10. Protecting community facilities
11. Green Belt
12. Green infrastructure
13. Green Space designation
14. Clarification on which wildlife sites should be given the same protection as European sites
15. Decentralised energy targets
16. Proactive approach to identifying opportunities for renewable and low carbon
17. energy
18. Historic environment

Each will be considered in term:

Presumption in favour of sustainable development

- 5.2 One of the Government's top priorities is to promote sustainable economic growth and jobs and this is central to the Draft NPPF. Wherever possible the answer to a development proposal should be "yes" unless it would clearly conflict with other aspects of national policy. Government is looking for the

planning system to be seen as a positive force and not a barrier to growth. The presumption in favour of development turns this expectation into policy.

5.3 The draft NPPF contains a number of references to the presumption in favour of sustainable development, and the need to support economic growth through the planning system. It states that local planning authorities should:

- prepare local plans on the basis that objectively assessed development needs should be met, and with sufficient flexibility to respond to rapid shifts in demand or other economic changes;
- approve development proposals that accord with statutory plans without delay; and
- grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date.

5.4 The Draft NPPF stresses the importance of having up to date development plans which give a clear basis for decisions to be taken. Where a development plan is silent then the presumption in favour of development will be used.

Observations

5.5 The relationship between the presumption in favour of sustainable development and locally-led development plans is not clear. It appears that the NPPF could direct local policies to be set aside to deliver the government's growth agenda in response to market-led demands rather than to promote truly sustainable development for neighbourhoods and for local and wider than local areas. For example, if a developer seeks to develop a particular area, but a local development plan seeks to protect it which takes precedence, if nationally there is a presumption in favour of development? This needs to be made clearer.

5.6 Progressing work on preparing up to date planning policy is clearly vital. To this end a Draft Core Strategy is being considered by Board at this meeting.

Removing office development from 'Town Centre First' policy

5.7 Currently office development is required to consider a town centre location first. It is required to demonstrate compliance with the sequential test for town centres and assess the likely impacts of the scheme on a range of impact considerations. To follow on from the Government's commitment to encourage economic growth the Draft NPPF seeks to free office development from the need to follow the requirements of the 'Town Centre First' policy and for proposals to be judged on their individual merits including taking account of local and national policies on the location of new development that generates significant movement of people and the relative supply and demand of / for office space in different locations.

Observations

- 5.8 In relation to this Borough, the Market Towns have a number of offices located within them. Any proposals for modern large scale offices have struggled to find suitable locations due to the nature of the centres. Therefore this policy change will assist. However, support for this change is with reservations. Offices in town centres provide vital numbers of people who use the services and facilities. If this policy encouraged current office users to move out of town then this could have a detrimental impact on those centres. Therefore, locally there may be a need to make reference to retaining office space in town centres in order to help to support the town centres.

Time horizon for assessing impacts

- 5.9 The time horizon for assessing impacts of unplanned, retail and leisure schemes in the edge or out of centre locations is currently set at up to 5 years from the time the planning application is made.

Observations

- 5.10 In some cases this is too short a time to allow the full impacts of large schemes to be assessed (especially for large sites and those that take considerable time to build). Often new retail and leisure development will have substantial consequences for other local businesses, local residents, transport infrastructure and the environment. When a development takes a number of years to build, and then takes a number of years to establish itself in a new market, five years may not be long enough to capture the full extent of the costs and benefits of the new development.

Removing the maximum non-residential car parking standards for major developments

- 5.11 The current policy (Planning Policy Guidance Note 13: Transport) sets out national maximum parking standards for non-residential uses (i.e. the upper level of acceptable car parking provision) and size thresholds at which these maximum standards should apply. The aim of the policy was to encourage councils and developers to use land efficiently and where possible to take measures to minimise the need for parking. Local councils could set lower standards if there was an evidenced local need to do so.
- 5.12 Current Government policy on non-residential parking standards for major developments, such as retail and leisure developments over 1,000m² and offices over 2,500m² is too centralised and prevents local councils from developing policies that are most appropriate to their local circumstances and communities. Centrally prescribed maximum non-residential parking standards do not reflect local circumstances.

Observations

- 5.13 Car parking can have a major impact on the local area. The ability for a locally determined parking standard is welcomed.

Landbanks

- 5.14 The policy change amends the length of landbanks in national policy, making it less prescriptive for scarcer/non-aggregate minerals. The new requirement will be for a landbank for at least 10 years instead of the current requirement of between 10 and 25 years depending on the type of mineral.

Observations

- 5.15 Landbanks is a minerals issue and as such will be considered by the County Council in the preparation of the Minerals Development plan. However by reducing the landbank time period this should assist in the delivery of mineral sites.

Removing the brownfield target for housing development

- 5.16 A specific target for brownfield land was first established by the 1995 housing white paper, which aspired to 50 percent of all new dwellings being built on brownfield land. In 1998, this was increased to 60 percent.
- 5.17 Government wants to move away from a prescriptive designation of land towards a concept of “developable” land where local areas decide the most suitable locations for housing growth based on their local circumstances. This approach will enable local councils to assess land for its suitability for development based on its characteristics and their needs without top down central government intervention.
- 5.18 The preferred option would be to remove the target to allow local councils to determine the most suitable sites for housing, giving greater discretion and decision-making powers to local councils reflecting the fact that land supply constraints vary across local councils.

Observations

- 5.19 Initially, it would appear that this change is a good one, as it will lead to sites being developed by merit rather than just because it is brownfield. However, the focus on brownfield sites has meant that difficult sites have been developed and issues overcome before the development of “easier” greenfield sites. Regeneration schemes may be harder to bring forward as a result.

Requiring local councils to allocate an additional 20% of sites against their five year housing requirement.

- 5.20 The Government's policy objective is that local councils should plan to meet their full requirement for housing and ensure there is choice and competition in the land market to facilitate the delivery of homes on the ground.
- 5.21 The preferred option is that local councils identify additional 'deliverable' sites for housing. The proposal is for this to be a minimum additional 20 per cent on top of current five year land supply. For example, in the first five years, local councils should identify sites to meet at least 120% of the annual housing requirement. Effectively this means that a 6 year housing requirement is needed.

Observations

- 5.22 This Council does not have a five year housing supply. It currently has 4.6 years of supply. However, the Council is working to prepare a Draft Core Strategy and then a Site Allocations Development Plan to bring forward sites or work with communities to bring forward Neighbourhood Plans with sites allocated in them.
- 5.23 It is considered therefore that this requirement should not be introduced for around 24 months to allow for these plans to bring forward sites that are the most appropriate for the locality. This would remove the risk of planning applications being approved in the short term purely based on the lack of a 5 or 6 year housing supply and where there are no plans either adopted or in the process of being progressed.

Remove the national minimum site size threshold for requiring affordable housing to be delivered.

- 5.24 Current national planning policy sets a minimum site threshold of 15 units for requiring affordable housing to be delivered for all local councils. This means that any development of 15 units or more will trigger a negotiation over a contribution (paid by the developer) for affordable housing via a section 106 agreement.
- 5.25 By removing the centrally set 15-unit threshold for affordable housing, complete control will be given to local councils. This will allow greater flexibility for local councils to seek optimum solutions for their local areas.

Observations

- 5.26 This is welcomed. The 2006 Local Plan achieved a local requirement in local service centres of 5 units or more and 100% affordable in smaller settlements. The removal of this threshold is welcomed as it will increase the flexibility of a local policy where evidence can prove the case for a lower threshold in the Borough's Market Towns.

Removing rural exception sites policy

- 5.27 Current policy allows local councils to set 'rural exception site' policies which allocate and permit sites solely for affordable housing in perpetuity for local people in small rural communities. This is where housing would not normally be considered appropriate due for example to policy constraints, such as Areas of Outstanding Natural Beauty. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. However, currently, the rigid requirement for sites to be only for affordable housing limits local councils' options for meeting the full range of housing needs. This can lead to local councils being discouraged from taking a wider view on the need for housing in those rural areas and considering the balance to be struck between the benefits of meeting housing needs and maintaining current constraints.
- 5.28 The Government's objective is to maintain the focus on affordable housing but give local councils greater flexibility to set out their own approach to delivering housing, including allowing for an element of market housing where this would facilitate significant additional affordable housing to meet local requirements. To ensure development is sustainable, rural housing that is distant from local services should not be allowed.

Observations

- 5.29 This approach is welcomed as it will allow for more housing to be provided, where it is required, in a range of settlements. The ability to include an element of market housing will enable the sites to be more viable. The only concern would be that land values may increase leading to pressure on the viability of the scheme and so more market housing will be needed.

Protecting community facilities

- 5.30 Government's Coalition Agreement included a commitment to help support important community facilities and services. In line with this, the proposed policy strengthens the current policy by asking local councils to consider the availability and viability of community facilities as part of the plan making process and to develop policies to safeguard against their unnecessary loss.

This policy is applied to all community facilities and not just those within defined local centres and villages.

Observations

5.31 Strengthening the current policy to apply to all community facilities would provide local councils' and local communities with greater control over how they can most appropriately protect important community facilities. The policy cannot prevent unviable businesses closing but it can send a strong signal of the importance the local community attach to the continuation of a community asset and encourage innovation and diversification to maintain viability. However, the proposed policy might impose modest additional costs on local councils as they would need to develop an understanding of the availability and viability of community facilities within their areas. Costs may also be incurred by developers in instances where they need to produce evidence to demonstrate a building or development previously used by a community facility is no longer required or viable for community use.

Green Belt

5.32 Core Green Belt protection will remain in place. The construction of new buildings is to be considered as inappropriate development. However exceptions will still apply including:

- i. Development on previously-developed Green Belt land is already permissible if the site is identified in the local plan as a major developed site – it is proposed to extend this policy to all previously developed sites;
- ii. Park and Ride schemes are already permissible – it is proposed to extend this to a wider range of local transport infrastructure;
- iii. Community Right to Build schemes will be permissible if backed by the local community.
- iv. The alteration or replacement of dwellings is already permissible – it is proposed to extend this to include all buildings. In all cases, the test to preserve the openness and purposes of including land in the Green Belt will be maintained.

5.33 Once established Green Belt boundaries have been established, Green Belt boundaries should only be altered in exceptional circumstances. The appropriateness of existing Green Belt boundaries should only be considered when a Local Plan is being prepared or reviewed. At that time, local authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period.

Observations

- 5.34 The Government's continuing commitment to the Green Belt is welcomed.
- 5.35 The changes highlighted above will allow more development to take place in the Green Belt. As land in the Green Belt plays an important role in maintaining a vibrant rural economy this increased ability to build will be welcomed by many. It will be important to ensure that development is carried out in a controlled way to retain its openness. A number of small changes can have an accumulative impact. One other consequence of the changes may be that uses in inappropriate locations will be perpetuated.

Green infrastructure

- 5.36 The objective is to secure more and greater coherence of strategic networks of green infrastructure by planning positively for their creation, protection, enhancement and management. This will help support the natural environment, as well as providing green space for the use of local communities, supporting sustainable development and preserving green space for the use of future generations.

Observations

- 5.37 This approach is welcomed as it would encourage local councils to take a more strategic approach to green infrastructure and give them a better understanding of the existing green infrastructure network and its functions in their area. This should contribute to better decisions being made about the protection and management of green infrastructure.

Green Space designation

- 5.38 The proposal is to introduce a new protection for locally important green space that is not currently protected by any national designation, giving greater discretion and decision-making powers to local councils and local communities reflecting the fact that some land is particularly valued by communities and requires additional protection. The new protection through a new designation would fill the gap where land was important locally – for example for local amenity – but where a national designation would not apply.

Observations

- 5.39 Again this proposal is welcomed. The only concern is the period between now and formal designation in a plan. This gap could allow for some sites to be developed that would otherwise be protected. Due to the green space designations in the 2006 Local Plan and the work carried out on the Green Space Strategy this risk is reduced for North Warwickshire.

Clarification on which wildlife sites should be given the same protection as European sites

- 5.40 The Habitats Regulations apply specific provisions of the Habitats Directive to candidate Special Areas of Conservation, Special Areas of Conservation and Special Protection Areas which require special considerations to be taken in respect of such sites. Local councils are required to have regard to the Directive in the exercise of their planning functions in order to fulfil the requirements of the Directive in respect of the land use planning system.
- 5.41 As a matter of policy, the Government has in the past chosen to apply the provisions which apply to European sites to Ramsar sites and potential Special Protection Areas, even though these are not European sites as a matter of law. This is to assist the UK Government in fully meeting its obligations under the Birds Directive and Ramsar Convention.
- 5.42 To ensure that its obligations in respect of the Habitats Directive, the Birds Directive and the Ramsar Convention are fully met in future, and to reduce the risk that any consents granted when a site is being considered for classification would subsequently have to be reviewed (and either revoked or modified at potentially very significant cost) after classification, the Government is proposing to clarify that the provisions which apply to European sites should as a matter of policy also apply to:
- possible Special Areas of Conservation;
 - proposed Ramsar sites; and
 - sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

Observations

- 5.43 This change will provide certainty for local councils, developers and others about how to treat possible European sites, and should therefore ensure that a consistent approach is taken. This should contribute to better decisions being made about the protection of biodiversity, and reduce the risk of local councils paying compensation for any planning permissions that are revoked as a result of a site becoming classified as a European site.

Proactive approach to identifying opportunities for renewable and low carbon energy

- 5.44 The objective is to ensure that the planning system contributes effectively to the delivery of the Government's energy and climate change policy. The Draft NPPF expects local councils to consider identifying suitable areas for renewable and low-carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources. Where developers bring forward proposals outside opportunity areas mapped in a local or neighbourhood plan they are asked to demonstrate that the proposed location meets the criteria used in plan making.

Observations

- 5.45 This change will bring some certainty to the process for seeking sites for renewable and low-carbon energy and is aimed at avoiding lengthy appeals. The Council will need to prepare a positive strategy to promote energy from renewable and low carbon resources.

Historic environment:

- 5.46 The heritage section of the Framework incorporates – and streamlines - the existing policies contained in Planning Policy Statement 5. It does not alter those policies or create new ones. Certain policies in Planning Policy Statement 5 have been omitted from the heritage section and are incorporated, more appropriately, in other sections of the Framework. These are:-
- Part of policy HE1 (Heritage Assets and Climate Change)
 - Policy HE2 (Evidence Base for Plan-making)
 - Policy HE4 (Permitted Development and Article 4 Directions)
- 5.47 One policy - HE5 (Monitoring Indicators) - from Planning Policy Statement 5 has not been incorporated as a specific policy within the Framework. All other Planning Policy Statement 5 policies have been condensed and included within the heritage section. Some of the detail of these policies in Planning Policy Statement 5 is considered to constitute guidance rather than policy and could more suitably be issued as such.

Observations

- 5.48 PPS 5 is a recent document (March 2010) and was the end product of a ten year review of the historic environment conducted by DCMS. The majority of the policies have been carried through into the Draft NPPF and have been further condensed. Some policies have been omitted from the 'Historic Environment' section of the Draft NPPF and incorporated in other sections. One substantive policy change to result from this 'streamlining', however, will significantly weaken the ability of local authorities to properly assess and determine applications. This is the omission of the onus on the applicant to make clear the extent of the impact of their proposals on the significance of heritage assets currently contained in policy HE 6.3. It is strongly recommended that this policy is reinstated in a revision of the Draft NPPF.

6 Future Consultation and Announcements

Planning Guarantee

- 6.1 The draft NPPF; The Plan for Growth and the “Presumption in Favour of Sustainable Development” all reflect the Government’s ambitions for a planning system that is “simpler, swifter and more positive in its outlook and operation”. It is now also beginning to look at how obtaining planning permission can be more streamlined and how decisions can be made in “good time”. The Plan for Growth states that a range of measures would be published for consultation later this year. Advance announcements for two of these draft measures have recently been made. The first is the “Planning Guarantee” designed to ensure that no planning application takes longer than a year to reach a decision, and the second is a measure to reduce the information required to accompany applications. Full consultation will begin in the Autumn, and so the current announcements are for information at this stage.
- 6.2 In respect of the Guarantee, it is said that the current statutory targets of deciding cases in 8 or 13 weeks should remain, but that the twelve month period would become an “absolute limit”. It is understood that the twelve month period would exclude time taken for pre-application meetings and would thus run from the validation date of an application. The date of the decision notice would stop the clock. If the application was refused, say in eight weeks, the clock would then stop with that date of that Notice. However, if the applicant decided to appeal that refusal, then the clock would start again at eight weeks, and the Planning Inspectorate would have to take its decision before the expiry of the 52nd week. If the Council did not determine the case within the relevant statutory period, the clock would not stop but would continue to run up to the 52nd week, including any appeal period for non-determination. It is also proposed to publish regular performance report showing each Authorities performance as well as that of the Inspectorate.
- 6.3 Much of the detail involved in the introduction of any Guarantee will have to wait until the publication of the full Consultation Paper later in the year. However whilst it is rare for decision making at North Warwickshire to extend beyond a twelve month period, there are three immediate matters that need to be resolved because the essence of the Guarantee, is that the whole process should only take 12 months – decision and appeal if appropriate.
- It means that the pressure to meet or to improve on the statutory targets becomes critical. A target driven process would once again ensue. Secondly, there is no reference in the initial announcement about the “free – go” if an application is refused or indeed withdrawn before the statutory periods expire. The reference in the Planning Fee papers relating to reduced fees for such cases suggests that this practice will continue. Hence additional work will be created, adding to the frustration of both applicant and Authority.

- As Members have seen from the Annual Performance Report, the key issue in not issuing decisions within the 13 week target for major applications was the delay caused for Section 106 Agreements to be signed, even although a resolution to grant permission had been taken within the 13 weeks. Delays are caused mainly through bad drafting; providing Proof of Title, and particularly through funding agencies and indeed applicants being reluctant in the current economic climate to sign if this means loans have to be being realised or financial contributions have to be paid. These matters are very often outside of the control of Local Planning Authorities. If a 12 month period is to be introduced then it should apply, in the case of applications accompanied by a Section 106 Agreement, to the date of resolution not that of the Notice.
- The current paper does not identify the sanction, if any, that might apply for failure to meet the 12 month deadline. Given the presumption set out in the draft NPPF and elsewhere, it is anticipated that there may be a “default” approval introduced.

Information Requirements

- 6.4 The Government recognises that appropriate information must be submitted with applications. The recent announcement indicates however that it considers the present system of mandatory and local requirements needs to be addressed with a view to reducing the amount of supporting documentation and to shortening application forms. More will be known later in the year with the consultation paper.
- 6.5 The principle of this is welcomed, but Members will know from individual cases in their own Wards that neighbours often want to know specific details about proposals – levels, heights and drainage details etc. The issue will always be to balance the detail required against the nature of the application, and that will probably not be achieved through a general push to reduce information. It is better left with the individual Authority on a case by case basis.

Policy Statement on Schools

- 6.6 Earlier this year, the Government consulted on the merits of relaxing the Use Classes Order such that “free” state-funded Schools could be set up without the need for a planning application for a change of use of premises if they were not already educational in character. The overall response was a clear message that such a proposed relaxation was not appropriate. As a consequence, in the absence of now being able to relax the Order, the Government has issued a Policy Statement to the effect that where applications are needed, there should be a presumption in favour of granting a planning permission; that Authorities should make full use of their planning powers to support state-funded schools, that submission and determination should be as “streamlined” as possible, and that any refusal not based on “clear and cogent” evidence might be treated as “unreasonable” behaviour.

Planning Support for Businesses and Shops

6.7 Following the recent riots in some of the country's city centres, the Government has asked Local Planning Authorities to assist wherever possible in using their planning powers to "get businesses back on their feet". Particular reference is made to the speedy determination of planning applications to replace shop fronts and for the installation of shutters. Additionally the notification to Authorities recommends that they might like to consider relaxing the need for the submission of applications all together, if appropriate for particular parts of their area, through the creation of Local Development Orders.

Advertising Control

6.8 A further notification from the Government says that many small businesses may not be aware of the need to seek Advertisement Consent, and has therefore recommended that Local Planning Authorities should ensure that better background information is available and that publication of the Advertisement Regulations is fully available.

7 Report Implications

7.1 Environment and Sustainability Implications

7.1.1 As Planning Inspector's are required to consider the Draft NPPF as emerging National Planning Policy, the policies in the Draft NPPF will impact on the Borough in the short term. It is unclear what these impacts will be, but it is clear that they can be mitigated by progressing the updating of local planning policies to ensure that what is built is determined locally, rather than on the basis of the presumption in favour of development.

The Contact Officer for this report is Dorothy Barratt (719250) and Jeff Brown (719 310).