



**TOWN AND COUNTRY PLANNING ACT 1990  
WARWICKSHIRE STRUCTURE PLAN 1996 - 2011**

**COUNTY COUNCIL REPORTS AND OTHER  
RELEVANT DOCUMENTS**

**20<sup>th</sup> AUGUST 2001**

## **Warwickshire Structure Plan 1996-2011 County Council Reports and Other Relevant Documents**

In March 2001, the County Council's Cabinet considered the representations made on the second round of proposed modifications and decided that the County Council should propose no further modifications and proceed to adopt the new Structure Plan. The County Council meeting in July 2001 endorsed the Cabinet's recommendation.

Attached are the following documents:

- the Report to the Council's Cabinet on meeting on 6th March 2001
- the Report to the County Council meeting on 10th July 2001

The recommendations of both Reports were approved. In addition, the Cabinet on the 6th March requested that a copy of the Explanatory Memorandum be circulated for the Council meeting.

The formal Notice of Intention to Adopt was posted on the 19th July 2001, for 28 days to allow the Secretary of State the opportunity to call-in the Plan. A letter was received from Government Office for the West Midlands dated 19th July 2001, advising that the Secretary of State does not propose to intervene. A copy of the letter is attached.

## **The Cabinet - 06 March 2001**

### **Warwickshire Structure Plan 1996 - 2011 (WASP) – Approval to Adopt**

#### **Report of the Director of Planning, Transport and Economic Strategy**

##### **Recommendation**

That Cabinet refer this matter to the Council on the 24th April 2001, with a recommendation that the Structure Plan as proposed to be modified be adopted, without further modification.

#### **1. Background**

- 1.1 On 13th July 2000, the Council agreed to a further round of proposed modifications to the Deposit Draft of the Warwickshire Structure Plan, having endorsed the initial round of proposed modifications in light of the Report of the Examination in Public Panel.

#### **2. Representations Received**

- 2.1 The further proposed modifications were placed on deposit from July – September 2000. During the deposit period a total of 5 representations were received from 4 bodies. The comments received do not raise any new substantive issues that would justify any further proposed modifications. The representations received are summarised at Appendix 1, together with the recommended response to them.
- 2.2 A letter from Government Office for the West Midlands (GO-WM) was received by the County Council, dated 1 September 2000 (Appendix 2). Although, GO-WM did not make any representations on the two further proposed modifications, they indicated that Government still had concerns in relation to

Policies GD5, H3, H4 and ER1 which, should the County Council proceed to adoption, would be likely to result in a Direction from the Secretary of State for the Environment, Transport and the Regions (DETR).

### **3. Discussions with GO-WM**

- 3.1 Following receipt of the letter of 1st September 2000, discussions have been held with GO-WM, in a bid to overcome their concerns. The thrust of their concerns result from the publication of PPG3 (Housing), and broadly whether the policies within the proposed structure plan give rise to ambiguity in relation to paragraphs 30 and 31 of PPG3.
- 3.2 Previously GO-WM had suggested that these policies be reviewed in relation to PPG3 and the advice of your Officers has been that there is no significant conflict with PPG3 – the usual test that is applied to development plan policies in relation to Government policy. However, Government is anxious to avoid any possibility of misinterpretation of the Structure Plan, which may not be a reflection of the new policy direction encompassed in PPG3.
- 3.3 As a result of discussions your Officers have concluded that Government's concerns should be met by minor editorial amendments to Policies H3, H4, GD5 and ER1, as attached at Appendix 3. Although your Officers are satisfied that the proposed amendments should overcome the concerns of Government, GO-WM are unable to provide any guarantees to this effect, which may prejudice the Minister's discretion.

## **4. Process to Adoption**

4.1 The recommendation is to proceed to adopt the Structure Plan on the basis of the advice set out above. If the Council accepts such a recommendation, then the process for adoption is as follows:-

- A Notice of Intention to adopt the Plan, as proposed to be modified, will be advertised.
- After the expiry of 28 days, the Plan becomes formerly adopted.
- A Notice of Adoption has to then be issued and advertised setting out a six weeks period, during which time the Plan is open to challenge on legal grounds in the High Court.

JOHN DEEGAN  
Director of Planning, Transport and Economic Strategy  
Shire Hall  
Warwick

14 February 2001

## Appendix 1

### Summary of Representation received on Further Proposed Modifications

Organisation	Representation	County Council Comment
Stratford On Avon District Council	FM1 – The District Planning Authority raises no objections in principle to this further proposed modification The DPA does however have a number of concerns about the clarity and practical implementation of this policy. The County Council should note these concerns and seek to address them, where possible, through advice in the explanatory memorandum.	Comments Noted
	FM2 – The District Planning Authority supports the proposed deletion of reference to the Station Link, Stratford from the list of strategic road Schemes.	Support Noted
Stratford-upon-Avon Town Council	<p>FM1 - Proposed modification to the text of Policy H2 in the context of PPG3 requiring Stratford-on-Avon District to take into account the indicative provision of 3,700 affordable dwellings materially affects the impact of Housing Policy H1 and general Policy GD5 on Stratford town. Clearly the provision of up to 3,700 affordable dwellings within the town as directed by Policies H1 and GD5 cannot be met.</p> <p>The Town Council believes that to proceed with implementation of this Proposed Further Modification spells disaster for the future of the town, it would be environmentally damaging and un-sustainable. Consequently the Town Council propose that the Examination in Public be re-opened to re-examine the environmental sustainability and impact of the Proposed Modification on this historic market</p>	The policy is consistent with Government policy, as set out in Circular 6/98 and PPG3. Paras 12 – 20 of PPG3 require a new approach to the District Council's assessment of affordable housing needs. Policy H2 does not require that provision be made on the basis of the indicative figures provided in the policy, but that they should be taken into account in the District Council's assessment of need.

	town of international importance, designated to become a World Heritage Site.	
The House Builders' Federation	<p>FM1 – The House Builders' Federation accept the need to provide affordable housing. However, there are still concerns with the wording of the policy. <b>".....should not be released for general market housing"</b>. This implies that land is allocated for either affordable or market housing. Development Plans allocate land for housing. It is then up to individual District Council's to negotiate an appropriate level of affordable housing on each site based on an up to date robust Housing Needs Survey. If they are not satisfied this is being achieved they are entitled to refuse a planning application which can then be tested on appeal if necessary. Therefore the policy as worded implies a mechanism of land release which is not available and unnecessary in the light of explicit guidance in Circular 6/98. <b>"..and other information"</b>. All relevant information should be included in up to date surveys and therefore it is not clear what <b>"other information"</b> should be taken into account.</p> <p><b>Recommended Change</b> Delete <b>"...and should not be released for general market housing purposes unless justified by a change in that assessment based on up to date surveys and other information"</b>.</p>	<p>The policy is consistent with Government policy, as set out in Circular 6/98 and PPG3. The effect of the policy is only to justify changes in the provision necessary for affordable housing when and where it is based upon a up to date assessment of affordable housing needs. Paras 12 – 20 of PPG3 require a new approach to the District Council's assessment of affordable housing needs. Policy H2 does not require that provision be made on the basis of the indicative figures provided in the policy, but that they should be taken into account in the District Council's assessment of need.</p> <p>The reference to "other information" is to enable the District Council to identify other relevant information eg. Government Best Practise advise, not normally "surveyed".</p>
Tiddington Residents Association	FM1 – Policy H2 if modified as proposed and considered in the context of PPG3 and Policies H1 and GD5 will as a result of Stratford-on-Avon District Council's underprovision of affordable housing since 1996 result in a	The policy is consistent with Government policy, as set out in Circular 6/98 and PPG3. Paras 12 – 20 of PPG3 require a new approach to the District Council's assessment of

	<p>requirement of about 70% of all future housing provision in Stratford town to be affordable/social which due to market forces and environmental constraints is not environmentally or commercially viable or acceptable.</p>	<p>affordable housing needs. Policy H2 does not require that provision and be made on the basis of the indicative figures provided in the policy, but that they should be taken into account in the District Council's assessment of need.</p>
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Letter from GO-WM, dated 1<sup>st</sup> September 2000


GOVERNMENT OFFICE  
FOR THE WEST MIDLANDS

From: Deputy Director – Local Government Division – Planning and Transport  
Direct Line: 0121 212 5173  
Fax No: 0121 212 5071  
Email: afrost.govwm@go-regions.gov.uk

John Deegan  
Director of Planning/Transportation  
Warwickshire County Council  
PO Box 43  
Shire Hall  
WARWICK  
CV34 4SX

77 Paradise Circus  
Queensway  
Birmingham B1 2DT

Our Ref: AF/JBM

Date: 1 September 2000

<b>RECEIVED PTES</b>				
- 4 SEP 2000				
DMT	JC	DS	DL	DA
	DF	GF	JH	JE
GROUP(S):				

Dear John

**WARWICKSHIRE STRUCTURE PLAN: FINAL MODIFICATIONS.**

Thank you for your letter of 26 July advising that two further modifications are proposed to the Warwickshire Structure Plan. I understand that the proposed date of adoption is now the end of November.

As you know there is a strong likelihood that, if the intention is to adopt the Structure Plan in its present form, Ministers will wish to direct that changes be made to certain policies before the plan can be adopted. Such directions are likely to be issued at the start of the formal adoption process, i.e. when the Council pass the resolution to proceed. In any event directions would be issued no later than publication of the notice of intention to adopt 28 days before hand, which on the present timetable would be on the 3<sup>rd</sup> of November.

As we are due to meet on the 18th of October, I thought it would be helpful if I identified those policies which give rise to most concern and once again state the changes that Ministers are likely to seek. Our comments on the reasons given for not modifying the plan in the light of our objections are also set out below.

**Explanatory Memorandum.** As you know we would have preferred the explanatory memorandum to be available before adoption. In the absence of any detailed reasoning, it is difficult for example, to understand the operation of the green field/ brown field "linking" mechanisms and their conformity with Circular 1/97, the effect of the imposition of impact fees and, the clear understanding that the definition of "brown field" includes previously developed buildings as well as land. We understand that the final version of the memorandum will be substantially different in many respects from that available at deposit stage. As the memorandum can be a material consideration when considering planning applications, the operation of a particular policy may be quite different than is presently indicated.

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FOR THE WEST MIDLANDS

**GD5:** The criteria at 3 (which apply both to industrial and housing development ) are not in accord with the criteria set out in paragraphs 30 and 31 of PPG3 . This is especially relevant as new housing policy 15 specifically requires Stratford District Council to review their existing housing provision in the light of the locational criteria of the Structure Plan and not PPG 3.

In our view the locational criteria should be amended to make it clear that for housing development a search sequence should be followed as set out in paragraph 30 and that the potential and suitability of sites should be assessed against the criteria at paragraph 31.

Another approach could be to modify the policy making it clear it applied to industrial development only.

**H3:** The detailed criteria are not in accord with paragraph 31 of PPG3 nor is there any reference to sequential approach or phased release. Bullet point (c) appears to suggest that increasing density will be sufficient. In our view reference needs to be made to other subjects such as layout, mix, parking. Neither is it clear what the "areas of restraint" are. If this cannot be adequately defined it should be deleted.

The words "among other measures" could be inserted between "by" and "maximising" in the first sentence although our preference is for amendments which strengthens the policy and pick up the criteria of PPG 3.

**H4:** This policy requires authorities to maintain a five-year land supply of housing land and phases the release of allocated green field sites for development subject to a number of criteria.

In our view there is nothing in PPG 3 which requires a five year land supply – paragraph 34 states that "sufficient sites should be shown in the plan proposals map to accommodate at least the first five years (or the first two phases) of housing development shown in the plan." This is not the same as maintaining a five year housing land supply. Indeed paragraph 33 makes it clear that the release of sites over the plan period is for the local authority to manage to control the pattern and speed of urban growth etc, not to maintain a five year land supply. It goes on to state that the release of sites should be phased in line with the criteria set out in paragraphs 30 and 31 – broadly speaking previously developed land and buildings . Our concern is, leaving aside the enforceability of such a mechanism and its conformity with Circular 1/97, that a developer whose green field site is allocated for development towards the end of a plan period (after previously developed land and buildings have been developed) , will be able to jump the queue if he brings forward a "brown field" site or affordable housing . This is irrespective whether the "brown field" site meets the criteria of paragraph 31 of PPG 3.

It is appreciated that at the time of deposit, this policy attempted to address issues on which national policy was at that time, perhaps less than clear. With the issue of revised policy guidance PPG 3 however which now sets out the way in which previously developed land and buildings should be allocated and released for housing before green field sites, we feel policy H4 is in significant conflict with national guidance and should be deleted.

GOVERNMENT OFFICE  
FOR THE WEST MIDLANDS

**ER 1:** Our concerns with this policy are two fold. First, it adopts a restrictive requirement that development will only be permitted where "it is consistent with protection of the environmental assets of the county and the maintenance of the character and quality of its towns and countryside". On this basis, it is unlikely that minerals and waste proposals would be permitted and the policy does not recognise that almost all minerals and waste developments are likely to have some adverse impact on the surrounding area. It therefore fails to balance the need to protect the interests listed in the policy with the need to give proper consideration to the merits of the proposals for minerals, waste and other developments. A change to the policy preamble would be one way of making the policy more balanced. For example this could read "The environmental assets of the County should be protected and the character of its towns and countryside should be maintained. Local plans should therefore include policies and land allocations which ensure that..."

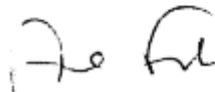
Our second concern with the policy is that item [a] covers a range of sites of international, national and also more local importance, and does not provide for a clear, hierarchical approach to the consideration of proposals affecting designated sites. (Registered parks, gardens and conservation areas sit along side SPAs, AONBs etc). The terms of item [b], which is intended to cover sites of regional and local importance, are also very similar to those in [a].

If it is wished to retain the policy in its present form our suggestion is that [a] and [b] are restyled, so that the first element applies to sites of international nature conservation importance. This could take the form of the first line of item [a] but then conclude with "unless there are imperative reasons for the development which are of overriding public interest" thus reflecting national policy in annex C of PPG 9. The second element of the policy could then cover in a similar fashion nationally designated sites. In this case, to tie in more closely with national policy guidance it is suggested that, after listing the interests it concludes with wording along the lines of ".....unless the development can be demonstrated to be in the public interest". MPG6 para.70 adopts this form in relation to minerals proposals affecting AONBs. The third element could then group together interests of regional and local importance. We suggest, after the first line of item [b] after listing the interests, the policy concludes with ".....unless there are overriding reasons for the development".

For the avoidance of doubt none of our formal objections are withdrawn at this stage. I can confirm we do not object to the proposed modification to policy H2 (FM1) or proposed modification to policy T1 (FM2).

Please do not hesitate to get in touch if anything is unclear.

Yours sincerely



**ANNE FROST**

cc: Dave Scott, Warwickshire County Council

## Appendix 3

### Minor Editorial Amendments – General

Amendments to text of WASP policies as proposed to be modified are shown thus: ~~Deletions crossed through~~, *Additions in italics*.

All references in the WASP policies and the Explanatory Memorandum to ‘brownfield land’ will be changed in the adopted version to read ‘previously developed land’ to secure consistency of terminology with Government policy documents – this is a consequential change that does not involve any change in definition.

### Minor Editorial Amendment to clarify Policy H.4 in relation to PPG3.

Local plans will provide sufficient land, *taking account of an allowance for windfalls*, for new housing development over the plan period to 2011.

District planning authorities must ensure that there is a ~~n any time at least a five year~~ supply of housing land ~~genuinely available and~~ capable of keeping the supply of dwellings in line with housing needs in that district.

*In the process of selecting land for allocation and release for housing development, where there is an ~~five year housing adequate~~ supply, no more greenfield land should be released for housing development. ~~except~~ Exceptionally, however, authorities will need to consider whether there are circumstances that might justify early release of allocated greenfield land where local plans have allocated or provided for greenfield sites to come forward; and the greenfield site (a) it is required to maintain the five year ~~an adequate~~ housing land supply ~~or and~~*

it will bring forward the development of a brownfield site of at least a similar size;  
or

the proposed development includes affordable dwellings in a proportion justified by the assessment of housing needs produced by the district council; or

it will make a significant contribution to affordable housing provision elsewhere.

Local plans should provide for those exceptional circumstances when an outstanding need for either affordable housing or accommodation for those households with special needs may outweigh planning objections which would otherwise cause rejection of similar proposals for general market housing.

NB. The Explanatory Memorandum will include reference to the need for this exceptional ability to bring forward previously developed land in the north of the County where the market on its own is sometimes not strong enough and also to the difficulty of providing sufficient affordable housing in the south of the County where the housing market is often very strong and prices are often way beyond reach of low income service workers, especially those in the tourism associated industries. It will also explain that ‘land’ includes buildings identified in local plans for conversion. In relation to the term ‘bring forward’ in sub-para.

'a.' it will be explained in the Explanatory Memorandum that this intended to refer to bring forward in order of priority for release of the land in the local plan. The term 'adequate' will be explained as having regard to development lead-times as well as the capability of the land keeping the supply of dwellings in line with housing needs in that district. The Explanatory Memorandum will make it clear that exceptions to the phasing of housing land in those circumstances that meet either criterion a, b or c, must be read in the context of the other policies of the Plan.

**Minor Editorial Amendment to clarify Policy H.3 in relation to PPG3.**

Local Plans should minimise the amount of greenfield land needed for new housing development by, *amongst other measures*, maximising:

a) the *use of the* existing built stock through measures to reduce vacant dwelling numbers, enable the subdivision of large houses into flats and bedsits, and secure conversion of vacant premises to dwellings.

b) *opportunities for use of* brownfield land for new housing, *firstly by* development within *towns and villages and then, secondly, or in locations* adjoining towns and villages, including the redevelopment of unsatisfactory housing and the use of vacant land for housing, other than in identified 'areas of restraint' or where there are other environmental constraints.

c) the use *made of sites or through* increased housing densities *by good design and layout*.

**Minor Editorial Amendment to clarify Policy ER.1 in relation to Government policy.** (NB Policy restructured to distinguish between issues of international, national and regional/local importance.)

Development will only be permitted where it is consistent with protection of the environmental assets of the County and ~~maintenance of~~ *respect for* the character and quality of its towns and countryside. Local plans should therefore include policies and land allocations which ensure that:

(a) development does not involve loss of, or risk of damage to, or adverse impact on: a Special Protection Area, Special Area of Conservation or Ramsar Site, or the setting of any of these, or any other landscape, site, building, structure, artefact, feature, habitat, species or area with international statutory protection, or of international importance *unless there are imperative reasons for the development which are of overriding public interest*;

(b) development does not involve loss of, or risk of damage to, or adverse impact on the Area of Outstanding Beauty; a Site of Special Scientific Interest, National Nature Reserve, Scheduled Ancient Monument, Listed Building, Registered Park, Garden or Battlefield, Conservation Area or the setting of any of these or any other landscape, site, building, structure, artefact, feature habitat species or area with national statutory protection, or of national importance *unless the development can be demonstrated to be in the public interest*;

(c) development does not involve significant loss of, risk of damage to, or adverse impact on the setting or character of any landscape, site, building, structure, artefact, feature, habitat, species or area of ecological, geological, archaeological, historical, recreational or other conservation interest of acknowledged regional or local importance *unless there are overriding reasons for development*;

(d) development meets all appropriate pollution control, ground water protection, water conservation and flood control requirements.

(e) the 'best and most versatile' agricultural land (grades 1, 2 and 3a) will be protected from development; where there is an overriding need for such land to be developed, land of the lowest grade will, wherever possible, be used first.

(f) design guidance moves away from standardisation towards design that is more sensitive to the locality, and takes account of ways in which the environmental impact of development on energy and water resources can be reduced.

### **Minor Editorial Amendment to clarify Policy GD.5 in relation to PPG3.**

Each district local plan will provide for most new housing and industrial development to be accommodated in a combination of the following locations, in the following order of priority;

1. within the existing built up areas of towns of over 8,000 people (at 1991), that lie within recognised transport corridors

2. the identified broad locations;

- a. in Nuneaton & Bedworth Borough: Keresley, in association with the redevelopment of Coventry Colliery; and
- b. in Rugby Borough: East of Rugby, and for a Major Investment Site (MIS) at Ansty.

3. locations, including existing local plan allocations, meeting the following criteria:

- i. adjacent to the built up areas of towns of over 8,000 people (at 1991), that lie within recognised transport corridors, where they can be integrated into the fabric of the town; and are
- ii. outside of the Green Belt; and are
- iii. easily accessible to town centre services and facilities; and are
- iv. well served, or can be made to be well served, by public transport

*In considering the allocation and release of land, local plans should have regard to the availability of previously developed land and allocate and provide for brownfield sites to come forward where they meet these criteria. Where there are no appropriate brownfield sites, or they have become exhausted, local plans should then provide for the release of greenfield sites that meet the criteria of this policy.*

NB. The Explanatory Memorandum will refer to this policy as serving WASP's basic development strategy set out in policy GD.3 and it will highlight the role of sub paras. (b) and (c) of GD.3 in addressing the need to build communities to support new infrastructure and provide sufficient demand to sustain local services and facilities (PPG3, para. 31). It will also highlight the need for the availability of brownfield land for housing development in the smaller market towns and villages close to the main towns to be considered alongside potential greenfield extension of that main town, applying the criteria set out in GD.5, 3 ii-iv. It will also cross refer to policy ER.1 which specifically designed to deter 'town-cramming' pressures to develop important urban green spaces.

Council - 10<sup>th</sup> July, 2001

Modification of the Warwickshire Structure Plan 1996 -  
2011

Report of the County Solicitor and Assistant Chief  
Executive

**Cabinet's Recommendation**

That the Structure Plan as proposed to be modified be adopted by the Council, without further modification.

1. The Council at its meeting on 13th July 2000 agreed to a further round of proposed modifications to the Warwickshire Structure Plan. These were placed on deposit during July – September 2000, and 5 representations were received.
2. At its meeting on the 6<sup>th</sup> March, 2001 the Cabinet considered a report by the Director of Planning, Transport and Economic Strategy, a copy of which is attached as an Appendix.
3. The Cabinet resolved that the matter be referred to the Council on the 24th April 2001, with a recommendation that the Structure Plan as proposed to be modified be adopted, without further modification.
4. At the 24<sup>th</sup> April, 2001 Council meeting, Councillor Roodhouse presented a petition relating to the future of land to the east of Rugby which the Chair agreed to accept although the land in question was covered by several Electoral Divisions.
5. The former Council Business Management Committee which was responsible for setting the Council agenda, decided that the matter should be deferred until the 10<sup>th</sup> July Council meeting. This would allow for further clarification and explanation to be given.
6. The Council is now asked to consider adopting the Plan as recommended by the Cabinet.

DAVID CARTER,  
County Solicitor and Assistant Chief Executive,  
Shire Hall, Warwick.



GOVERNMENT OFFICE  
FOR THE WEST MIDLANDS

John Deegan  
Director of Planning, Transport & Economic Strategy  
Warwickshire County Council  
P O Box 43  
Shire Hall  
WARWICK CV34 4SX

Local Government Division

77 Paradise Circus Queensway  
Birmingham B1 2DT

Direct Line: 0121 212 5173  
Fax No: 0121 212 5071

Your Ref:  
Our Ref: WMR/P/5077/544/1

Date: 19 July 2001

Dear John

**WARWICKSHIRE COUNTY STRUCTURE PLAN 1996-2011**

I note that on 10 July 2001, your full Council resolved to adopt the Structure Plan, incorporating the amendments agreed by the Council's Cabinet at their meeting on 6 March 2001 and that a Notice of Intention to Adopt the Plan is to be published on 19 July.

I can confirm that the Secretary of State does not propose to intervene on the Plan.

Yours sincerely

pp ANNE FROST

RECEIVED PTES				
20 JUL 2001				
DMT	JE	DE	Di	DA
	DF	GF	JP	JS
GROUP(S)				