



Representations

Regulation 16 Consultation
Radford Semele Neighbourhood Plan
2020-2029
Montague Land Partners

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Document Reference:

20.160

Version 1

Date of Issue:

July 2020

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Representations

1. Cerda Planning have been instructed by Montague Land Partners to make representations to the Regulation 16 Consultation Radford Semele Neighbourhood Plan 2020-2029.
2. General comments are made in relation to the whole of the document and but mainly focus on Housing (paragraph 4.2 onward) and Green Spaces (4.8-4.10) and proposed policies RS1 and RS2.
3. Cerda Planning welcomes the completion of the Radford Semele Neighbourhood Plan in line with the Localism Act of 2011. The Neighbourhood Planning process allows local communities the opportunity to 'plan' for themselves. The NPPF promotes neighbourhood plans to develop local areas in support of strategic development set out in the Local Plans but allows the community to have a say and get involved in the planning process. It is acknowledged that the Neighbourhood Plan must ***'be in general conformity with the local strategic planning framework which, in this area, is provided by WDC and be consistent with national planning policies and guidance contained in the National Planning Policy Framework and National Planning Practice Guidance. NDP's have to plan positively and promote sustainable development.'***

HOUSING

4. As the draft Neighbourhood Plan rightly acknowledges, the adopted Warwick District Local Plan identifies Radford Semele as a Growth Village. Growth Villages are considered to be most suitable for housing growth according to a range of sustainability indicators.
5. Policy H1 – Directing New Housing states:
6. Housing development will be permitted in the following circumstances:
 - a) Within the Urban Areas, as identified on the Policies Map;
 - b) Within the allocated housing sites at Kings Hill Lane (H43) and Westwood Heath (H42) as shown on the Policies Map;
 - c) Within the boundaries of Growth Villages and Limited

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Infill Villages.

7. Policy DS11 (of the Local Plan) sets out the scale of development in each Growth Village which should reflect up to date evidence of local housing need (either through a parish or village Housing Needs Assessment.) Beyond meeting this need, or in the absence of a local Housing Needs Assessment, the scheme should reflect the needs of the district as set out in the latest Strategic Housing Market Assessment.
8. In line with the conclusions made by the Inspector dealing with the Local Plan, no housing allocations were made within Radford Semele. It was the Inspector's view that the level of committed growth within the village (2 housing sites -one to the east, off Offchurch Lane and the other to the west off Spring Lane) would result in an increase in population in a relatively short space of time and that it was not necessary to allocate further sites in order to achieve the overall housing requirements for the District. He went on further to comment that the existing capacity at the school is very limited, with no real prospects of an extension or relocation to a new site to accommodate any more children than those accounted for within the committed developments.
9. However, policy DS10 of the Local plan sets out that the number of dwellings to be provided within the Growth Villages and the rural areas combined will be a minimum of 968 over the plan period. (as part of the overall requirement to provide a minimum of 16,776 new homes between 2011 and 2029 – policy DS6 – Level of Housing Growth. On this basis, it is Cerda's view that the Neighbourhood Plan should not seek to discount the provision of further housing developments in the future, as Radford Semele as a Growth Village is exactly one of the locations where the Local Plan directs new housing development to. The Neighbourhood Plan should not be used as a mechanism to prevent development without proper justification.
10. It is noted that the Neighbourhood Plan seeks to "influence the type and mix of any new home(s) that might be built in the area up to 2029" and that this will be informed by the Housing Needs Survey carried out in 2017. This revealed a need for cheaper homes for the young, social housing for the elderly, more housing for the disabled, decent size bungalows with small gardens, families wanting to upsize but no such housing

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type available, homes that local people can afford and starter homes. As the survey is now 3 years old, and in light of new housing development having been built and still under construction, it may be appropriate to update this survey to better inform housing policies within the Neighbourhood Plan.

Objective 1: to ensure that the future mix and type of housing meets the needs of those living in the area will be met by proposed policy RS1 – Securing a Suitable Mix of Housing Types, Tenures and Sizes in New Developments

11. Both the objective and proposed policy is supported, with the caveat that, the Housing Needs Survey carried out in 2017 should be updated to take account of recent housing developments within the village. It is concluded at paragraph 6.6 that the identified need (1, 2 bedroom house, Housing association, shared ownership, 2, 2 bedroom, 1, 3 bedroom and 1, 4 bedroom housing association rented and 1, 1 bedroom bungalow and 1, 2 bedroom owner occupied dwellings) has already been met and exceeded by recent housing developments.

Objectives 2 and 4: To protect and enhance local green spaces and policy RS2 – (RS2/1) Church Fields West and East and Protecting Local Landscape and Heritage

12. Paragraph 4.8 of the Neighbourhood Plan states that ***“the area’s population will increase significantly in the coming years, due mainly to the new housing estates. This will place pressure on existing green spaces and open land resources. The Neighbourhood Plan therefore seeks to protect key open land and green spaces. The Housing Needs Survey and consultations revealed that “there is a need to protect key open spaces that are intrinsic to the character and identity of the village and keep these under review, e.g Church Fields and Leigh Foss.”***
13. The NPPF, in relation to Local Green Space paragraphs 99-101 states:

“The designation of land as Local Green Space through

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local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.

The Local Green Space designation should only be used where the green space is:

- *In reasonable proximity to the community it serves;*
- *Demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including use as a playing field), tranquillity or richness of its wildlife; and*
- *Local in character and is not an extensive tract of land.*

Policies for managing development within a Local Green Space should be consistent with those for Green Belts.”

14. The National Planning Policy Guidance (PPG) defines open space (within the glossary) as **“All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs), which offer important opportunities for sport and recreation and can act as a visual amenity.”**
15. Both parcels indicated for Local Green Space (LGS) designation (RS2/1) at Church Fields West and East are in **agricultural use**.
16. Whilst the term “open space” is fairly broad, various local plans nationwide expressly discount agricultural land from the definition. As an example, an extract from the background paper informing the North Somerset Local Plan states (relevant points only):
17. 3.1 Green areas -These areas must (therefore) be predominantly comprised of grass, trees, shrubs, and other vegetation. Solely or mainly hard surfaced areas will not normally be appropriate. However, LGS areas can include some hard surfaced elements and structures, but the overall

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character and visual impression would normally be of a green vegetated site. Lakes, ponds and water features may be found within LGS sites.

18. 3.2 Private land and public access The PPG (paragraphs 019 and 017 on LGS) states that LGS does not need to be in public ownership and that land “could be considered for designation even if there is no public access (eg. green areas which are valued because of their wildlife, historic significance and/or beauty)”. However, the Council considers that designation of land with public access will generally be most appropriate, although private land may be included where the land is considered to be particularly worthy of designation. School and college playing fields and grounds, and residential gardens are normally excluded.
19. 3.3 Small areas and landscaping LGS would not normally include highway and cycleway verges and small areas of land, open space or landscaping left over from development.
20. **3.4 Agricultural land and orchards - LGS would not normally include agricultural land or orchards. Only exceptionally would this be included, in particular special circumstances where there is particularly strong justification, it clearly meets the criteria, and there is strong evidence that it holds a particular local significance and that the local community considers it to be demonstrably special, which must be satisfactorily explained. General countryside which does not meet this exception will not be appropriate for designation.**
21. 3.5 Reasonably close proximity to the community it serves: The PPG (paragraph 014 on LGS) states that “the proximity of a LGS to the community it serves will depend on local circumstances, including why the green area is seen as special, but it must be reasonably close. For example, if public access is a key factor, then the site would normally be within easy walking distance of the community served”. The Council considers that LGS should normally be within 400m of the defined limits of a settlement, or the main built up part of a settlement without defined limits. The 400m distance is appropriate since that is a figure which is considered to be reasonable walking distance. (The supporting text of policy DM27 of the adopted Sites and Policies Plan Part 1 9 Development Management Policies refers to 400m as being a reasonable distance from a bus stop, regarding location of

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development.)

22. 3.6 Demonstrably special to a local community: Evidence of how and why the site is demonstrably special to a local community, and holds a particular local significance, will be needed. The Council will normally expect this to relate to the criteria in the NPPF: beauty, historic importance, recreational value, tranquillity, richness of wildlife. Evidence of town or parish Council support for designation of the site will normally be expected.
23. 3.7 Requests for LGS designation should reflect a desire to protect demonstrably special, specific green spaces, in recognition of their particular local significance having regard to the criteria, rather than a desire to resist development pressure generally in the locality.
24. PPG17, now superseded by the NPPF was a dedicated planning policy guidance note which dealt solely with Open Space. It categorised open space as set out below and makes no specific mention of agricultural land; number ix refers to “accessible countryside in urban fringe area”.

“The following typology illustrates the broad range of open spaces that may be of public value:

i) parks and gardens - including urban parks, country parks and formal gardens;

ii) natural and semi-natural urban greenspaces - including woodlands, urban forestry, scrub, grasslands (eg downlands, commons and meadows) wetlands, open and running water, wastelands and derelict open land and rock areas (eg cliffs, quarries and pits);

iii) green corridors - including river and canal banks, cycleways, and rights of way;

iv) outdoor sports facilities (with natural or artificial surfaces and either publicly or privately owned) - including tennis courts, bowling greens, sports pitches, golf courses, athletics tracks, school and other institutional playing fields, and other outdoor sports areas;

v) amenity greenspace (most commonly, but not exclusively in housing areas) - including informal recreation spaces, greenspaces in and around housing, domestic gardens and village greens;

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vi) provision for children and teenagers - including play areas, skateboard parks, outdoor basketball hoops, and other more informal areas (eg 'hanging out' areas, teenage shelters);

vii) allotments, community gardens, and city (urban) farms;

viii) cemeteries and churchyards;

ix) accessible countryside in urban fringe areas; and

x) civic spaces, including civic and market squares, and other hard surfaced areas designed for pedestrians.”

25. Cerda Planning **object to policy RS2** for various reasons as set out below.
26. Firstly, the land in question (RS2/1) (both parcels) is within private ownership and currently used for agricultural purposes under a Farm Business Tenancy. The current landowner has advised that he has not had any contact from the Neighbourhood Planning Group and was unaware of the proposals to designate his land as a Local Green Space. He is rightly concerned about the proposals and will be making separate representations. The designation, if successful, may result in the removal of permitted development rights for agriculture, which could restrict how the site could be used in the future, possibly to the detriment of the farming business.
27. Secondly, we are of the view that the Neighbourhood Plan has failed to demonstrate that the site holds a particular local significance as required by paragraph 100 b) of the Framework. The comments below therefore discuss both proposed policy RS2/1 but also RS6 which seeks to conserve landscape character and more particularly views in and out of sites around the village.
28. The justification for the designation is set out in **Appendix 1** within Table A1a and A1c as follows.

DEMONSTRABLY SPECIAL TO A LOCAL COMMUNITY

29. *“A unique open green space seen by visitors when entering and leaving village along the A425. The views into these fields are of special importance to the community, giving Radford*

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Semele its village identity. The space provides beautiful views of the iconic St Nicholas Church, key heritage assets and the surrounding countryside typical of the Dunsmore and Feldon NCA. The area provides a quiet agricultural setting for listed buildings/monuments (Parish Church of St Nicholas, Churchyard Boundary Wall and Lychgate to South of Church, The White Lion Public House, The Glebe House, 64 and 66 Southam Rd and The Manor Cottage). The much-loved view has remained largely unchanged since medieval times. At night the area to the east is dark and tranquil because there is little in the way of artificial lighting, giving a rare aspect of the setting when approaching the church along Church Lane. Previous excavations on the east field have identified a possible 'shrunken' settlement, previously part of the medieval settlement of Radford Semele. At the entrance into Church Lane is the site of the ancient village stocks. WDC have included this area within the Conservation Area for the canal corridor. This area provides a valuable open space for Flood Risk management."

30. RS2/1 is highlighted in yellow – it is ranked in position 1, the highest scoring proposed Local Green Space, which according to the Neighbourhood Plan “is weighted on the bases of its importance to the village community and the requirement of the NPPF for Green Spaces.”

QFD Defined Green Spaces, ECv2						
Scoring Values (Higher the better)						
1 = Low						
3 = Medium						
5 = High						
9 = Very High						
Selection Criteria	Importance weighting	Important Village Green Spaces			Policy RS2	
		RS2/1 Church Fields	RS2/2 Leigh Fosse	RS2/3 Angley Hole & Woods	GS4 – North Offchurch Lane, South Canal	GS5 – Parcel South of Spring Lane redevelopment.
Landscape Beauty, Character & Setting	9	9	5	5	8	7
Historic Significance	9	9	8	5	7	5
Recreational & Community Value	5	4	8	9	5	5
Tranquility & Openness	9	8	6	9	6	7
Richness of Wildlife	9	6	9	8	7	5
Natural Environment	5	8	5	5	3	5
Landscape Sensitivity	5	9	6	8	6	5
Demonstrably special to Village	9	9	8	8	3	5
Designation/Status/Owners objection	5	5	5	5	1	1
Close to village Community	9	9	8	7	4	5
Score		510	461	448	355	356
Ranking		1	2	3	5	4

Figure 1: Table A1c Scoring

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31. It is not clear how the scores have been “weighted” - indeed, it is not clear either how the scores were attributed – on what basis is the Landscape Beauty, Character and Setting awarded a 9 (very high – the highest value) and richness of wildlife awarded a 6 – high) for example. How can designation, status and owner’s objection be collated in one category and what does 5 mean in this case?
32. There is no real information as to how resident’s views were actually obtained – other than reference made at paragraph 4.8, within Figure 9, to the Housing Needs Survey which set out a series of bullet points as follows.
33. Whilst the RSNDP does not provide much detail of the Housing Needs Survey 2017, a link to the document is provided within the Consultation Statement 2020. It transpires that a Housing Needs Survey form was delivered to every home in Radford Semele parish, resulting in approximately



850 forms being distributed and 256 forms were returned – a response rate of 30%.

34. The Housing Needs Survey makes it very clear that its main purpose is to “collect accurate, up to date housing needs information relating to the parish, as part of the emerging Neighbourhood Plan. “ It goes onto state that “this information can be used in a number of ways, but perhaps the most relevant is to help justify a small scale housing scheme to

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meet local needs....”

35. Although the Housing Needs Survey form sought opinions on other village topics such as positive/negative aspects of life in the parish, (crime, lack of facilities, adequacy of green spaces and cycleways), the main focus, as to be expected, was on housing needs. Comments received in relation to whether respondents feel Radford Semele has enough green space or non-built up spaces (88 in total) were reproduced in full and verbatim in section viii – Green Spaces. Most of them were very vague and only 20 relate to green spaces per se, with comments such as “being eroded by new housing and more public open spaces” were recorded. There were only 2 comments actually directly related to protecting Green Spaces such as “These need to be protected and their setting preserved” and “these need preserving”.
36. **No comments specifically relate to the fields (Church Fields) proposed to be designated as a Local Green Space by policy RS2/1.**
37. Paragraph 4.9 (of the main NP document) goes on to say that “these views were re-emphasised during our subsequent consultation work on the RSNPD and from feedback provided through drop in events and other media. These sources revealed that:
 - there is a need to protect key open spaces that are intrinsic to the character and identity of the village and keep these under review, e.g. Church Fields, Leigh Foss;
 - access to the countryside, canal and other outdoor recreation resources should be maintained and improved;
 - the open land between Radford Semele and Royal Leamington Spa should be retained as open land to maintain the separate identity of the settlements and prevent coalescence; and
 - the important views in the village and wider neighbourhood area must be protected.
38. The Consultation Statement April 2020 explains that the first informal consultation took place between 24th September -5th November 2017 with a community drop-in event on 30th September 2017. 130 people attended. In addition to this between November and December 2017 letters were sent out

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to local business and community groups asking for feedback. All comments were used to help formulate policies in the first draft of the RSNDP. The first draft was consulted on between 5th March – 3rd April 2018 and a drop in event held on 14th April 2018. Key findings were presented to an Open Forum on 14th April 2018. (There does not appear to be any record of these key findings to comment upon).

39. The numbers of comments received in relation to each of these consultations/letters/drop-in events and from whom, is not known. Paragraph 6.21 refers to the “*consultation*” where “*a high volume of comments from residents commented on the need to retain important iconic views both within the village and on the outskirts, but within the parish boundary.*” It is not clear which consultation the text is referring to, and there are no numbers of responses recorded, or any indication of the proportion of the total village’s population who share these opinions.
40. The same paragraph then refers to a survey undertaken by the Neighbourhood Plan Steering Group to assess important local views. 18 views were initially assessed and findings presented to residents at the consultations, with many making formal or informal comments to the committee. Again, it is not clear which consultations or committees are being referred to.
41. Table 2 of the Consultation Statement April 2020 sets out a comprehensive response summary and recommended action in relation to the Regulation 14 NP (April/May 2019). This does contain various references to the proposed Local Green Space Designations (3 from local residents and 1 from Warwick District Council) but represents only **4.5%** of the 87 comments recorded. Of these 4 comments; 1 was strongly objecting (but this was in relation to land at Leigh Foss, on the grounds that there is no justification for its designation) and the other was from Warwick District Council who expressed reservation that all of the proposed Local Green Space Designations would meet the strict tests set out in the NPPF. The strength of support for the LGS designation is not apparent from any of the documents available to view and is not considered to demonstrate overall support for the proposed designations.
42. Much of the NP’s justification for the designation as Local Green Space for Church Fields is due to views across it towards, St Nicholas’s church and other heritage assets.

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Proposed policy R6 does not preclude development that may impact upon these views but does provide a list of Community Valued Views which the policy safeguards. RS6, part f) states *“Any new development must protect, conserve and enhance the area’s landscape character by protecting the essential character and quality of the following views* The valued community views are attached at appendix 3. View RS6/2 – view of Church and Church Fields corner of A425/Offchurch Lane is considered valued as it *“ provides visitors with a sense of openness, important as so many people, whether on foot or in vehicles can enjoy the unique views of this key heritage asset.”*

43. View RS6/3 – view east looking from St Nicholas Graveyard – *“provides a tranquil setting for people visiting the graveyard.”*
44. The justification is set out and relies on Natural England’s National Character Area work to inform the policy. Again, the document is vague and refers to *“a high volume of comments setting out the need to retain important iconic views within the village and on the outskirts.”* Cerda is of the view that on the basis of the scant information provided there is insufficient evidence to assess each view and that there is currently no justification for the policy RS6. We support the view expressed by Warwick District Council (at Reg 14 stage) that policies protecting views are subjective, challenging and likely to raise local residents expectations.

CONCLUSION

45. Cerda object to the proposed designation of the land at Church Fields in Policy RS2 on the grounds that the draft Neighbourhood Plan has not demonstrated that the site is special to the local community, and therefore fails to satisfy the criteria for designation of Local Green Space set out in Paragraph 100 b of the NPPF.
46. Accordingly, the proposed Local Green Space designation at Church Fields should be deleted from Policy RS2. In order to be put to a referendum and then be ‘made’ a Neighbourhood Plan must first meet the basic conditions set out in Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended). As such, it must:

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- a) Have regard to national policies and guidance issued by the Secretary of State;
- b) Contribute to the achievement of sustainable development; and
- c) Be in general conformity with the strategic policies contained in the development plan.

- 47. The Government's objective of significantly boosting the supply of homes is clearly identified in Paragraph 59 of the NPPF, and Planning Practice Guidance states that neighbourhood plans "must not constrain the delivery of important national policy objectives".
- 48. Paragraph 78 of the NPPF states that: *"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive..."* Strategic Policy DS4 of the Warwick District Local Plan (WDLP) 2011-2029 (adopted September 2017) details the Council's Spatial Strategy. This *"focuses growth within and adjacent to built-up areas"* including in designated 'Growth Villages'. Radford Semele is defined as a Growth Village in the WDLP. These have been *"assessed as being the most sustainable rural settlements according to a range of sustainability indicators"* (WDLP, Paragraph 2.37).
- 49. In addition to this, the Local Plan acknowledges that focusing rural housing development in these locations *"will provide the opportunity for newly-forming households to stay in the area and for existing households to move house as their circumstances change"* (WDLP, Paragraph 4.7). It also *"provides an opportunity to assist in re-balancing the local housing markets..., much-needed affordable housing and market homes for local residents"*, as well as *"other positive benefits such as helping to support and sustain local services, facilities and businesses"* (WDLP, Paragraph 2.38). Therefore, although the WDLP does not currently allocate housing sites in Radford Semele, the village is clearly a sustainable location, and likely to be a focus for future housing growth when the WDLP is next reviewed.
- 50. This is important because Paragraph 99 of the NPPF states that: *"Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period."*

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51. Paragraph 33 of the NPPF states that “policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary”. Moreover, Strategic Policy DS19 of the WDLP commits the Council to “a comprehensive review of national policy, the regional context, updates to the evidence base and monitoring data before 31st March 2021 to assess whether a full or partial review of the Plan is required”. It is therefore very possible that there will be a review of the WDLP within the next year, particularly if the local housing need figure has changed significantly. The proposed Local Green Space designation could be interpreted as an attempt to simply frustrate sustainable development on this site, which could then lead to development being displaced to other, less sustainable, locations.
52. Cerda therefore consider that Policy RS2, and specifically the designation of Local Green Space at Church Fields, is contrary to national policy, and fails to support the achievement of sustainable development consistent with the Spatial Strategy for the District. It is for these reasons, that the proposed Local Green Space designation at Church Fields does not satisfy the basic conditions set out in Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. We respectfully request therefore that the proposed Local Green Space designation be deleted from Policy RS2, if the Neighbourhood Plan is to be put to a referendum and then be ‘made’.