

27 June 2014

Delivered by email

Warwick District Council
Riverside House
Milverton Hill
Leamington Spa
CV32 5QH

Dear Sirs

WARWICK LOCAL PLAN – PUBLICATION DRAFT CONSULTATION

Thank you on behalf of University of Warwick for the opportunity to comment on the Warwick Local Plan Publication Draft which is currently being consulted on. We have made representations to each stage of the development plan process over the last 10 years.

At this stage of the Local Plan consultation process, we have based the comments on our assessment of whether the policies are 'sound', i.e. whether they are "positively prepared, justified, effective and consistent with national policy".

POLICY DS19 GREEN BELT

Comment on soundness

Policy DS19 defines the extent of the revised Green Belt as set out on the policies map and proposes the removal of that part of the University campus within the District from the Green Belt.

Removal of what is referred to as "Central Campus West" – which forms a significant part of the existing campus – from the Green Belt has been a longstanding objective of the University, to establish a secure long-term boundary around the edge of the campus and to allow development to be approved and to proceed without the unnecessary constraints of Green Belt policy which are no longer relevant to the University's circumstances.

The University therefore supports the revised Green Belt boundary under *policy DS19*.

The NPPF states at paragraph 83 that Green Belt boundaries should only be altered in 'exceptional circumstances' through the preparation or review of a Local Plan. This should have regard to their intended permanence so that they are capable of enduring beyond the plan period. LPAs should also take account of the need to promote sustainable patterns of development.

9 Colmore Row
Birmingham
B3 2BJ

T 0121 233 0902 turley.co.uk

'Exceptional circumstances' are of course different from 'very special circumstances' which are required to justify inappropriate development within the Green Belt. Very special circumstances were demonstrated in 2009 to enable permission to be granted for the University's Masterplan which runs until 2019. At the time, the University's campus in Warwick was designated as a Major Developed Site in the previously adopted Local Plan (2007). The NPPF no longer refers to MDS with paragraph 89 now allowing as exceptions where development can be allowed:

'Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land) whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.'

Whilst this policy has echoes of PPG2 Annex 2, the text is subtly different. It was relevant recently when the University sought approval to demolish and replace existing student accommodation known as the Hurst Residences but the majority of University development is large-scale newbuild on greenfield sites.

As a result, the University considers that Local Plan *policy DS19* is not sound because it is inconsistent with para 83 of the NPPF which requires exceptional circumstances to be identified. These should be specifically included in the supporting text.

Modification required

The following exceptional circumstances for altering the Green Belt boundary at the University of Warwick should be referenced in the supporting text to Local Plan policy DS19:

- The University was established and allowed to develop in the Green Belt at a time when HE institutions "standing in large grounds" were regarded as appropriate uses in the Green Belt.
- The 2007 adopted Local Plan designation as a Major Developed Site was based on PPG2 Annex 2 advice which is no longer extant.
- The NPPF emphasises either the redevelopment of brownfield sites or 'limited infilling' as being acceptable forms of inappropriate development in the Green Belt. Neither is an appropriate way of describing the University's approved 89,000 sq m of development in the Green Belt or any future variation of the masterplan.
- Central Campus West, whilst developed to date at a lower density than Central Campus East, is still an urban development of some scale served by a loop road and infrastructure designed for a major university campus. The addition over the next 5-7 years of a further 89,000 sq m will more than double the amount of development on the University's Warwickshire land.
- The land comprising the University's built campus no longer serves the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open (NPPF para 79). This is because allowing development on the scale permitted to date (both built and approved) has resulted in the land no longer being permanently open. Nor does it contribute to any of the five purposes of Green Belt.

MS1 UNIVERSITY OF WARWICK

Comment on soundness

Policy MS1 is welcomed in supporting the role that the University plays in the local economy as a long established major site. The recognition of the University's intention to refresh its campus masterplan is also welcomed. The policy is considered to be sound because it is consistent with national policy in supporting sustainable economic development.

H6 HOUSES IN MULTIPLE OCCUPATION AND STUDENT ACCOMMODATION

Comment on soundness

The University welcomes *policy H6* which offers support for student accommodation where it is located on the University of Warwick Campus. This is considered to be sound in supporting the development of sustainable residential accommodation for the student population of the university. Where off-campus accommodation is promoted by others, the University supports the locational criteria in the policy which will help sustain public transport routes that serve the University from both Coventry and Leamington.

CLIMATE CHANGE

Comment on soundness

The University of Warwick is supportive of the Draft Local Plan's commitment to addressing the causes of climate change and supporting carbon reduction and generation of energy from low carbon and renewable sources. However, Policy CC3: Buildings Standards Requirements is considered unsound as presently drafted.

In respect of residential buildings, the policy is no longer appropriate following the findings of the Housing Standards Review and publication of the related Ministerial Statement earlier this year which has signalled the intention of the Government to wind down the Code for Sustainable Homes to coincide with national sustainability standards through the building regulations. It is inconsistent with the guidance given by the NPPF paragraph 95 which states that "when setting any local requirement for a building's sustainability do so in a way consistent with the Government's zero carbon buildings policy and adopt nationally described standards".

The national planning practice guidance (PPG) also advises planning authorities to take account of Government decisions on the Housing Standards Review when setting local plan policies. This aspect of the policy is unsound because it is not consistent with national policy.

In respect of non-residential buildings, the University of Warwick has delivered a number of its buildings to the BREEAM standard and is committed to delivery of its estates strategy to the highest possible environmental sustainability standards. However, the BREEAM standard is not always the most appropriate method to ensure the optimum sustainability performance of non-residential buildings and the policy could be more effective in allowing a greater degree of flexibility particularly for smaller development projects.

The national planning practice guidance suggests that, for policies on local requirements for the sustainability of non-residential buildings, local planning authorities should consider if there are relevant nationally described standards and the take account of the impact on viability of development. *Policy CC3* provides no supporting evidence confirming that it is feasible and viable for all non-residential development over 500 sq.m to meet the BREEAM Very Good standard particularly in light of the recently

introduced BREEAM 2014 New Construction standard. This aspect of the policy is considered to be unsound because it is not justified.

Modification required

Policy CC3 should be revised with respect to residential development to state:

“All new dwellings are required to be design and constructed in accordance with relevant national sustainability standards for new homes and from 2016 national zero carbon homes policy ~~achieve Code for Sustainable Homes Level 4 from the date of adoption of the Local Plan and level 5 from 2016 (or any future national equivalent)~~ unless it can be demonstrated that it is financially unviable.”

Policy CC3 should be revised with respect to non-residential development to increase the threshold to at least >1,000 sq.m. and provide more flexibility in allowing the use of alternative sustainability standards and bespoke sustainability plans in lieu of BREEAM assessment where it can be demonstrated to be more appropriate:

“All non-residential development over ~~1000~~ 500-sq. m is required to achieve as a minimum BREEAM standard 'very good' (or any future national equivalent) unless it can be demonstrated that it is financially unviable. Alternative sustainability standards and bespoke sustainability plans may be used in lieu of BREEAM assessment where it can be demonstrated to be more appropriate.”

In meeting the relevant carbon reduction targets set out in the national standards, ~~the Building Regulations and in the above Code for Sustainable Homes and BREEAM standards~~, the Council will expect development to be designed in accordance with the following energy hierarchy:”

BIODIVERSITY

Comment on soundness

The impacts of development on biodiversity and the associated mitigation required has received increasing attention and has been given greater priority in the determination of recent applications as evidenced by the Government's biodiversity offsetting pilot study in which Warwick District Council was participating. Whilst the pilot study has now finished and is not likely to be implemented in its current format, there continues to be support for a biodiversity offsetting approach. This can impose stringent offsetting requirements on developers, whilst the mechanism for calculating the amount of offsetting required does not currently have a basis in policy.

Overarching Policy SC0: Sustainable Communities

The requirement for developments to “protect, and where possible enhance, the natural environment including important landscapes, natural features and areas of biodiversity” is supported. This policy is considered to be sound.

Policy NE3: Biodiversity

The requirement within this policy for new developments to protect or enhance biodiversity assets and avoid negative impacts on existing biodiversity is considered to be contrary to the NPPF which at para. 118 requires development to be refused only when “significant harm” to biodiversity cannot be avoided, mitigated or compensated. Opportunities to incorporate biodiversity in and around developments should be “encouraged” but avoidance of impacts is not a requirement of the NPPF. This policy is considered to be unsound because it is not consistent with national policy.

Modification required

Policy NE3 should be revised to:

New development will be permitted provided that it incorporates biodiversity within and around the development where possible and does not result in significant harm to biodiversity ~~protects, enhances and/or restores habitat biodiversity~~. Development proposals will be expected to ensure that they:

- (a) Demonstrate the predicted impact on ~~lead to no net loss of biodiversity, where appropriate, by means of an approved ecological assessment of existing site features and development impacts to determine whether the proposed development will lead to significant harm;~~*
- (b) protect or enhance biodiversity assets and secure their long term management and maintenance, where possible, including through mitigation or compensatory measures and;*
- (c) avoid negative impacts on existing biodiversity which cannot be mitigated or compensated.*

~~Where this is not possible, mitigation measures must be identified. If mitigation measures are not possible on site, then compensatory measures involving biodiversity offsetting will be required~~

TR1 ACCESS AND CHOICE

Comment on soundness

We are concerned not so much by the policy wording as the requirement in the supporting text for a recharging point for plug-in and other ultra-low emission vehicles to be provided for each off street parking space. This is excessive and uneconomic on the basis of current practice, and ignores the possible and likely developments in technology in coming years.

The University currently has 30 charging points across its campus and its transport consultant Arup considers it almost impossible to estimate how many plug-in vehicles will be in use in years to come as estimates have been widely inaccurate to date. They consider that the growth area will be around hybrids rather than full electric vehicles. The means of charging and storing energy in vehicles will also be subject to change, as technology advances. This is something which the University itself will be pioneering at its new National Automotive Innovation Centre. The University is committed to delivering sustainable transport through its Travel Plan and the voluntary Higher Education Funding Council for England (HEFCE) scope 3 carbon emissions, and continues to explore opportunities to deliver positively against these targets. However, the supporting text requirement of 1:1 provision is unrealistic and unreasonable.

Modification required

The final sentence of paragraph 5.40 should be deleted as the policy wording and supporting text combined provides sufficient encouragement and an expectation of the increasing use of electric vehicle charging points in new development but allows for the flexibility in negotiating levels of provision.

DRAFT INFRASTRUCTURE DELIVERY PLAN

Comment on soundness

We note that proposals for a Country Park in Kenilworth have been included in the draft Infrastructure Delivery Plan and that the University of Warwick is listed as a possible funding source. The University has not been consulted on this matter and it is not clear how these funds will be secured either from the University or the other funding source identified, HS2 Ltd.

Whilst the University is not averse to a Country Park in this location, as it would supplement the University's own Jubilee Wood, planted in 2012, its inclusion within the draft IDP is considered to make the Local Plan unsound because it is not justified by a relevant policy requirement within the Local Plan

itself. The only policy reference to the creation of Country Parks is in respect of Tachbrook to the south of Leamington.

Modification required

If the Kenilworth Country Park proposal is considered to be a viable and necessary part of the infrastructure of Warwick District, there should be a policy in the Local Plan along with a clear justification and evidence of its potential funding.

I trust that the above representations will be given full consideration and registered for this consultation. Should you have any queries or require any additional information please do not hesitate to contact me.

Yours Sincerely

Mike Best
Office Director

mike.best@turley.co.uk