

Warwick District Local Plan

Publication Draft Representation Form 2014

For Official Use Only

Person ID:

Rep ID:

This consultation stage is a formal process and represents the last opportunity to comment on the Council's Local Plan and accompanying Sustainability Appraisal (SA) before it is submitted to the Secretary of State. All comments made at this stage of the process are required to follow certain guidelines as set out in the Representation Form Guidance Notes available separately. In particular the notes explain what is meant by legal compliance and the 'tests of soundness'.

This form has two parts:

- Part A – Personal Details
- Part B – Your Representations

If you are commenting on multiple sections of the document, you will need to complete a separate Part B of this form for each representation on each policy.

This form may be photocopied or alternatively extra forms can be obtained from the Council's offices or

places where the plan has been made available (see the table below). You can also respond online using the Council's e-Consultation System, visit: www.warwickdc.gov.uk/newlocalplan

Please provide your contact details so that we can get in touch with you regarding your representation(

s) during the examination period. Your comments (including contact details) cannot be treated as confidential because the Council is required to make them available for public inspection. If your address details change, please inform us in writing.

You may withdraw your objection at any time by writing to Warwick District Council, address below.

All forms should be received by 4.45pm on Friday 27 June 2014

To return this form, please deliver by hand or post to: Development Policy Manager, Development Services, Warwick District Council, Riverside House, Milverton Hill, Leamington Spa, CV32 5QH or email: newlocalplan@warwickdc.gov.uk

Where to see copies of the Plan

Copies of the Plan are available for inspection on the Council's web site at www.warwickdc.gov.uk/newlocalplan

and at the following locations:

Warwick District Council Offices, Riverside House, Milverton Hill, Royal Leamington Spa
Leamington Town Hall, Parade, Royal Leamington Spa
Warwickshire Direct Whitnash, Whitnash Library, Franklin Road, Whitnash
Leamington Spa Library, The Pump Rooms, Parade, Royal Leamington Spa
Warwickshire Direct Warwick, Shire Hall, Market Square, Warwick
Warwickshire Direct Kenilworth, Kenilworth Library, Smalley Place, Kenilworth
Warwickshire Direct Lillington, Lillington Library, Valley Road, Royal Leamington Spa
Brunswick Healthy Living Centre, 98-100 Shrubland Street, Royal Leamington Spa
Finham Community Library, Finham Green Rd, Finham, Coventry

Personal details

Organisation: CPRE Warwickshire
(Campaign to Protect Rural England Warwickshire Branch)

Address: 41A Smith Street, Warwick

Postcode: CV34 4JA

Telephone number: 01926 494597

e-mail address: mark@cprewarwickshire.org.uk
(Mark Sullivan)

Notification of subsequent stages of the Local Plan

Please specify whether you wish to be notified of any of the following:

The submission of the Local Plan for independent examination **Yes**

Publication of the recommendations of any person appointed to carry out an independent examination of the Local Plan **Yes**

The adoption of the Local Plan **Yes**

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Part B – CPRE Warwickshire Representations

Please note: this section will need to be completed for each representation you make on each separate policy.

4. To which part of the Local Plan or Sustainability Appraisal (SA) does this representation relate?

Local Plan or SA: **Local Plan**

Paragraph Number:

Policy Number: **DS19 Green Belt**

Policies Map Number:

5. Do you consider the Local Plan is :

5.1 Legally Compliant? **No view**

5.2 Complies with the Duty to Co-operate? **No view**

5.3 Sound? **No**

6. If you answered no to question 5.3, do you consider the Local Plan and/or SA unsound because it is not: (please tick that apply):

Positively Prepared:

Justified: **Not justified**

Effective:

Consistent with National Policy: **Not consistent with Green Belt policy**

7. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Removal of land from the Green Belt has not been shown to be justified by 'exceptional circumstances'.

CPRE objects to the removal from the Green Belt of the following locations / sites shown on the proposals map and listed in Policy DS19:

Red House Farm, Leamington Spa (SE of Cubbington)

Castle Sixth Form, Rouncil Lane, Kenilworth

Thickthorn and Southcrest Farm, Kenilworth;

Land in the vicinity of Coventry Airport (sub-regional employment site)

University of Warwick; (southern part of area shown)

Baginton;

Burton Green;

Cubbington (H26);

Hampton Magna (SE of settlement);

Leek Wootton (whole village proposed for inseting)

Kingswood (Lapworth).

CPRE also strongly submits that ribbon-development locations which are currently washed-over by Green Belt should not be removed from the Green Belt and 'inset'. Such areas grew up during the 1920s and 1930s and generally have long gardens and are a single street frontage. If removed from the Green Belt, they would be subject to applications for redevelopment at greater density and the conversion of long gardens into backland development. Retaining such areas in the Green Belt prevents this as Policy H1 will then apply; Policy H11 allows some infill of frontages, but no backland development.

The two locations meeting this description and where Green Belt designation should be retained for this reason are Burton Green and Kingswood (Lapworth).

8. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at 7. above where this relates to soundness. (Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Omit those locations / sites listed above from the list of locations to be removed from the Green Belt.

9. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes, we wish to participate at the oral examination

10. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To advance our argument further, to take account of the views of other parties, and to answer any response by the local planning authority

11. Declaration

I understand that all comments submitted will be considered in line with this consultation, and that my comments will be made publicly available and may be identifiable to my name/organisation.

Signed: **Mark A Sullivan for CPRE Warwickshire**

Date : 26 June 2014

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Person ID:

Part B – CPRE Warwickshire Representations

Please note: this section will need to be completed for each representation you make on each separate policy.

4. To which part of the Local Plan or Sustainability Appraisal (SA) does this representation relate?

Local Plan or SA: **Local Plan**

Paragraph Number: **Section 1 paragraphs 1.30 to 1.47**

Policy Number:

Policies Map Number:

5. Do you consider the Local Plan is :

5.1 Legally Compliant? **No view**

5.2 Complies with the Duty to Co-operate? **No view**

5.3 Sound? **No**

6. If you answered no to question 5.3, do you consider the Local Plan and/or SA unsound because it is not: (please tick that apply):

Positively Prepared:

Justified: **Not justified**

Effective: **Not effective**

Consistent with National Policy: **Not consistent with national policy**

7. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Warwick District Council has changed its planning strategy dramatically in recent years, in defiance of the wishes of local people as expressed in the public consultation responses to the Plan. From a conservation-minded, environmentally aware approach in the adopted (2007) plan (from which nearly all policies have been Saved) the Council now opts for a growth-oriented strategy in which employment, population and housing growth are all higher than they need to be. The New Local Plan is unsound because it does not contain adequate justification for this fundamental change of approach.

It is noticeable that maintaining and enhancing the environment of the district does not appear in the list of five key priorities in paragraph 1.40. The environment, so important to the character of the district and its individual towns and villages, is increasingly being treated as a 'poor relation' of economic and housing development. Sustainability is covered in Objective 1 of the Plan, but only in relation to economic, housing and retail and leisure growth. This reveals the extent to

which the policy is directed at development and away from conservation and maintaining the environmental quality of the District..

It is not clear from the Plan what provision is currently made to meet the housing needs of neighbouring areas. It seems to us that because the Plan assumes substantial continuing in-migration, there is already in effect significant provision for meeting needs originating elsewhere. However Policy DS20 of the Plan is ominous because it envisages even higher housing provision than is currently proposed to meet other authorities' needs at some point in the future. We believe it is fundamentally wrong for Warwick District to act simply as a repository for housing development not wanted elsewhere in order to fuel the Council's growth aspirations.

We agree that there is a need for more affordable housing (paragraph 1.30), but this should not be confused or conflated with a claimed need for higher overall house building rates.

8. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at 7. above where this relates to soundness. (Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The direction of the Local Plan is so flawed that a revision of the objectives is needed. Such a revision would be too significant to set out here.

9. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes, we wish to participate at the oral examination

10. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To advance our argument further, to take account of the views of other parties, and to answer any response by the local planning authority

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Signed: **Mark A Sullivan for CPRE Warwickshire**

Date : 26 June 2014

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Part B – CPRE Warwickshire Representations

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4. To which part of the Local Plan or Sustainability Appraisal (SA) does this representation relate?

Local Plan or SA: **Local Plan**

Paragraph Number:

Policy Number: **DS4 Spatial Strategy**

Policies Map Number:

5. Do you consider the Local Plan is :

5.1 Legally Compliant? **No view**

5.2 Complies with the Duty to Co-operate? **No view**

5.3 Sound? **No**

6. If you answered no to question 5.3, do you consider the Local Plan and/or SA unsound because it is not: (please tick that apply):

Positively Prepared:

Justified: **No**

Effective:

Consistent with National Policy: **No**

7. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

We welcome the efforts of the District Council in Policy DS4 to prioritise housing development on brownfield sites / Completions and sites with planning permission account for 3,629 dwellings. Small urban sites, consolidation of existing employment sites and the allowance for windfall sites account for a further 3,147 dwellings. Paragraph 2.22 of the Plan indicates that windfalls have in the past accounted for 191 dwellings per annum. This suggests to us that the windfall allowance for the 18-year plan period could be higher than the assumed 2,485 – perhaps in the region of 3,440 dwellings.

Despite the above, the District Council are proposing to provide almost half the total provision in the form of sites newly allocated in the Plan. 3,245 dwellings would be provided on sites on the edge of Warwick, Whitnash and Leamington on greenfield sites. 850 would be on the southeast side of Kenilworth in the Green Belt. As noted in other responses, we do not consider that the

Plan demonstrates the exceptional circumstances required to remove land from the Green Belt for new allocated housing sites.

Sites on the edge of villages and in the rural area account for a further 763 dwellings. Some of the proposals involve substantial expansion of relatively small settlements and we are particularly concerned about those for Leek Wootton, Kingswood (Lapworth), Bishops Tachbrook, Cubbington, Hampton Magna and Radford Semele.

8. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at 7. above where this relates to soundness. (Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Delete references to development of land in the Green Belt for new housing allocations.

9. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes, we wish to participate at the oral examination

10. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

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4. To which part of the Local Plan or Sustainability Appraisal (SA) does this representation relate?

Local Plan or SA: **Local Plan**

Paragraph Number:

Policy Number: **DS6 Level of Housing Growth**

Policies Map Number:

5. Do you consider the Local Plan is :

5.1 Legally Compliant? **No view**

5.2 Complies with the Duty to Co-operate? **No view**

5.3 Sound? **No**

6. If you answered no to question 5.3, do you consider the Local Plan and/or SA unsound because it is not: (please tick that apply):

Positively Prepared:

Justified: **Not justified**

Effective: **Not effective (not deliverable)**

Consistent with National Policy:

7. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Housing Need and Demand

The population of the district grew by 14,800 (11.9%) between 2000 and 2010. This was a very much faster rate of growth than for the West Midlands (3.5%). The district's growth was fuelled by a high rate of net in-migration averaging 460 per annum between 2005 and 2010.

However averages are highly misleading in this case. Net in-migration fell from a figure of over 2,000 per annum in the years immediately following the millennium to 400 in 2008-9 and net out-migration of 700 in 2009-10. This is a very clear and striking trend. In view of this dramatic change it is not acceptable, as the 2012 SHMAA did, to take the 460 average and simply project it forward over the plan period. Unless the 2009-10 figure is shown to be an aberration, there is a real possibility that there will be net out-migration from rather than in-migration to the district

over the plan period. Some of the projections in the 2013 Strategic Housing Market assessment (SHMA) opt for even higher in-migration assumptions.

We regard the past rate of growth of population and in-migration as unsustainable in the long-term. If continued, it would place inordinate pressure on the district's high quality environment and its infrastructure. It would also encourage out-migration from Coventry and weaken the urban regeneration efforts of that authority. In our view, the District Council should be planning for a very much lower level of growth in which housing and employment are balanced against environmental objectives. Although the District Council claim in paragraph 1.51 of the Plan that this is what the Plan does, we see little or no evidence that they are right.

The rate of house building has also been very high over the past decade. The housing stock grew by 6,011 between 2000 and 2010, an 11.3% increase, compared with the national figure of 7.1%. We cannot accept that Warwick District is suitable for a rate of growth over 50% higher than the national average.

The Plan draws on two recent Strategic Housing Market Assessments – for Warwick District alone in 2012 and for Coventry and Warwickshire in 2013. They have carried out a wide range of population and household projections based on different assumptions. In the 2012 Assessment, for example, six of the ten projections not based on house building scenarios fall within the range of between a 7,000 and 11,000 increase in households between 2011 and 2031 – ie averages of between 350 and 550 per annum.

However the SHMAs cannot claim to have been an objective assessment of housing need. The work was commissioned by local authorities and the steering committees were dominated by development interests who have a vested interest in talking up the housing needs figures. Wider interests such as residents' groups and environmental bodies were excluded from the process. Because the Local Plan draws on the Assessments, it is unsound. The Strategic Housing Land Availability Assessment (SHLAA) was also monopolised by narrow development interests without the moderating influence of organisations with wider policy concerns.

In preparing their plan, WDC have assumed population growth of 17% between 2011 and 2029. This rate of growth would be above that for almost all the SHMA Projection Scenarios, despite the plan period being two years shorter than that of the SHMA. No justification is provided in the Plan for the choice of this figure.

The District Council have recognised the importance of relating housing need to economic growth forecasts. However the latter are also subject to great uncertainty, particularly at the level of an individual district. The link between economic activity and employment is particularly difficult to forecast because it depends on labour productivity, and the implications for housing need cannot be assessed without explicit assumptions about the level of in- and out-commuting in future, which appear to be lacking in this plan.

The Plan proposes (policy DS6) housing provision of 12,860 between 2011 and 2029 – a higher figure than in previous versions of the Local Plan on which consultation was carried out.. provision was 12,300 in the Revised Development Strategy and 10,800 in the previous version. The text does not make clear how the latest figure has been arrived at, or how it relates to the evidence in the SHLA, SHMAAs and elsewhere. The Plan is therefore unsound in its provision for housing.

In May 2014, the Office for National Statistics published new 2012-based population projections for England. They suggest that population may grow by 20,900 (15.1%) in Warwick District between 2012 and 2037. This is a very much lower rate of growth than the growth that actually occurred between 2000 and 2010. It is also much lower than the equivalent figures from the 2010-

based and 2011-based projections. The differences are attributed mainly to rebasing of trends following the 2011 census, but there are also changes in trends on births, marriages and migration, and changed assumptions about international migration. Both Warwick's and Warwickshire's population are now forecast to increase at a slower rate than the national average. We have reservations about the validity of population projections for individual districts, but if taken literally, the new projection would suggest that the need for new homes is about 3,700 below what the Plan has assumed for this reason alone.

Another reason why housing need may be lower than the Plan assumes is the assumption about average household size. This figure had been falling for a long time. However it has stabilised since 2001 and evidence suggests that it is increasing again. The latest figure we have is 2.295 persons per household (2011), as opposed to the 2001 figure of 2.245. Despite this, the Plan assumes a figure of 2.181. Housing need assessments are very sensitive to assumptions about average household size. WDC have assumed too rapid a fall in average household size during the plan period.

Taking all these factors into account, we consider that the Plan is unsound because its housing provision is based on out-of-date information and on an over-optimistic, inflated view of both employment and population growth prospects. The District Council have convinced themselves that continuing high growth is desirable, but this view is not shared by those responding to public consultation on previous versions of the Plan, and is increasingly at odds with the facts and with the latest ONS population projections. These issues need to be thoroughly debated at the examination in public in the light of the latest information then available.

CPRE's view is that housing provision of about 8,000 dwellings 2011-2029 is likely to be realistic and sustainable.

8. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at 7. above where this relates to soundness. (Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Amend policy DS6 to read "The Council will provide for approximately 8,000 new homes between 2011 and 2029."

9. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes, we wish to participate at the oral examination

10. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

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Date : 26 June 2014

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4. To which part of the Local Plan or Sustainability Appraisal (SA) does this representation relate?

Local Plan or SA: **Local Plan**

Paragraph Number:

Policy Number: **DS7 Meeting the housing requirement - housing trajectory**

Policies Map Number:

5. Do you consider the Local Plan is :

5.1 Legally Compliant? **No view**

5.2 Complies with the Duty to Co-operate? **No view**

5.3 Sound? **No**

6. If you answered no to question 5.3, do you consider the Local Plan and/or SA unsound because it is not: (please tick that apply):

Positively Prepared:

Justified: **No**

Effective: **No**

Consistent with National Policy:

7. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Housing Completions

The 2013 Monitoring Report gives figures for gross and net completions in Warwick District between 2001 and 2013, a period which includes years with both high and low house building rates. The highest annual gross completion rate achieved was 973 in 2002/3; the lowest was just 10% of this - 97 in 2010/11. The average rate over the full 12 year period was 533 per annum. It could be argued that the average was artificially reduced during the recession. If the last four years (2009/10 onwards) are excluded, the average per annum rises to 708 per annum.

By comparison, the housing trajectory in the plan (chart at page 20) is proposing that completion rates should soar to an average of over 1,000 per annum from the present year (2014/15) onwards. From 2018/19 they would fall slightly to between 800 and 1,000 per annum, and from 2023/4

onwards to below 800. The average for the whole period, excluding the recession years of 2011/12 and 2012/13, would be 776 per annum, well above the figure achieved in the high growth period 2000 to 2010.

No evidence has been provided in the plan itself or its supporting studies to demonstrate that these highly ambitious completion rates can be achieved. In particular, assumed completions for the six years 2014/15 to 2019/20 seem wildly implausible. It is particularly unlikely that the 2014/15 figure, before the plan even comes into operation, will jump to over 1.000. In practice, completion rates are likely to be held back by a combination of lack of demand, rising interest rates, limited capacity within the building industry and shortage of public sector resources.

Although building rates are proposed by the Plan to fall somewhat from 2020/21 onwards, no allowance appears to have been made for a potential future period of recession or economic decline. Given the history of economic cycles in this country, and the sensitivity of house building rates to these, this seems unrealistic.

In our view, the 'front-loading' of the house building figures in the trajectory is misguided and will prove unachievable. It would be far more realistic to plan for a steady increase in provision over the next few years, as compared with the very low levels of recent years. The possibility of higher figures in later years of the plan period would remain and this could be considered in later revisions of the Plan.

8. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at 7. above where this relates to soundness. (Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Revise housing trajectory to a realistic level and take account of proposed revision to Policy DS6 bringing proposed housing numbers for 2011-2029 to approximately 8,000.

9. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes, we wish to participate at the oral examination

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4. To which part of the Local Plan or Sustainability Appraisal (SA) does this representation relate?

Local Plan or SA: **Local Plan**

Paragraph Number:

Policy Number: **DS11 Allocated housing sites**

Policies Map Number:

5. Do you consider the Local Plan is :

5.1 Legally Compliant? **No view**

5.2 Complies with the Duty to Co-operate? **No view**

5.3 Sound? **No**

6. If you answered no to question 5.3, do you consider the Local Plan and/or SA unsound because it is not: (please tick that apply):

Positively Prepared:

Justified: **Not justified**

Effective: **Not effective**

Consistent with National Policy: **No, in particular where Green Belt locations are used**

7. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

The greenfield and in some cases Green Belt allocations in Policy DS11 are not justified and the Green Belt locations would be contrary to national policy. A housing requirement of approximately 8,000 dwellings would not require any significant greenfield land to be used, and housing in Green Belt could be limited to 1-2 houses on sites within washed-over villages (Policy H11).

The following housing locations should be deleted:

Locations HO1 (Land W of Europa Way, HO2 (South of Harbury Lane), HO4 (SE of Lillington), HO6, ED2, H19, H20, H23, H24, H26, H27, H29 to H33 (5 sites at Kingswood), H34-37 (four sites at Leek Wootton), H38, H18 (Aylesbury House).

8. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at 7. above where this relates to soundness. (Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The following housing locations should be deleted from the table in Policy DS11:

Locations HO1 (Land W of Europa Way, HO2 (South of Harbury Lane), HO4 (SE of Lillington), HO6, ED2, H19, H20, H23, H24, H26, H27, H29 to H33 (5 sites at Kingswood), H34-37 (four sites at Leek Wootton), H38, H18 (Aylesbury House).

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4. To which part of the Local Plan or Sustainability Appraisal (SA) does this representation relate?

Local Plan or SA: **Local Plan**

Paragraph Number:

Policy Number: **DS20 Accommodating housing need from outside the District**

Policies Map Number:

5. Do you consider the Local Plan is :

5.1 Legally Compliant? **No view**

5.2 Complies with the Duty to Co-operate? **No view**

5.3 Sound? **No**

6. If you answered no to question 5.3, do you consider the Local Plan and/or SA unsound because it is not: (please tick that apply):

Positively Prepared:

Justified: **Not justified**

Effective:

Consistent with National Policy:

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It is not clear from the Plan what provision is currently made to meet the housing needs of neighbouring areas. It seems to us that because the Plan assumes substantial continuing in-migration, there is already in effect significant provision for meeting needs originating elsewhere. However Policy DS20 of the Plan is ominous because it envisages even higher housing provision than is currently proposed to meet other authorities' needs at some point in the future. We believe it is fundamentally wrong for Warwick District to act simply as a repository for housing development not wanted elsewhere in order to fuel the Council's growth aspirations.

The revised ONS figures for households in Coventry (issued in May 2014) have significant methodological faults. The claimed requirements for the City Council area are not reliable and should not be given weight.

8. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at 7. above where this relates to soundness. (Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The in-migration element in the figures for housing proposed in the plan (DS6) means that the Plan as published indicate that the Plan would be meeting the needs of other areas. This should be reflected in the text.

9. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes, we wish to participate at the oral examination

10. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To advance our argument further, to take account of the views of other parties, and to answer any response by the local planning authority

11. Declaration

I understand that all comments submitted will be considered in line with this consultation, and that my comments will be made publicly available and may be identifiable to my name/organisation.

Signed: **Mark A Sullivan for CPRE Warwickshire**

Date : 26 June 2014

For Official Use Only

Person ID:

Part B – CPRE Warwickshire Representations

Please note: this section will need to be completed for each representation you make on each separate policy.

4. To which part of the Local Plan or Sustainability Appraisal (SA) does this representation relate?

Local Plan or SA: **Local Plan**

Paragraph Number:

Policy Number: **H0 Overarching Housing Policy**

Policies Map Number:

5. Do you consider the Local Plan is :

5.1 Legally Compliant? **No view**

5.2 Complies with the Duty to Co-operate? **No view**

5.3 Sound? **No**

6. If you answered no to question 5.3, do you consider the Local Plan and/or SA unsound because it is not: (please tick that apply):

Positively Prepared:

Justified: **No**

Effective: **No**

Consistent with National Policy:

7. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

The 'Objectively assessed need for housing in the District' set out in Policy DS6, and to which Policy HO (a) refers, is not a sound or justified figure

The population of the district grew by 14,800 (11.9%) between 2000 and 2010. This was a very much faster rate of growth than for the West Midlands (3.5%). The district's growth was fuelled by a high rate of net in-migration averaging 460 per annum between 2005 and 2010.

However averages are highly misleading in this case. Net in-migration fell from a figure of over 2,000 per annum in the years immediately following the millennium to 400 in 2008-9 and net out-migration of 700 in 2009-10. This is a very clear and striking trend. In view of this dramatic change it is not acceptable, as the 2012 SHMAA did, to take the 460 average and simply project it forward over the plan period. Unless the 2009-10 figure is shown to be an aberration, there is a real possibility that there will be net out-migration from rather than in-migration to the district

over the plan period. Some of the projections in the 2013 Strategic Housing Market assessment (SHMA) opt for even higher in-migration assumptions.

We regard the past rate of growth of population and in-migration as unsustainable in the long-term. If continued, it would place inordinate pressure on the district's high quality environment and its infrastructure. It would also encourage out-migration from Coventry and weaken the urban regeneration efforts of that authority. In our view, the District Council should be planning for a very much lower level of growth in which housing and employment are balanced against environmental objectives. Although the District Council claim in paragraph 1.51 of the Plan that this is what the Plan does, we see little or no evidence that they are right.

The rate of house building has also been very high over the past decade. The housing stock grew by 6,011 between 2000 and 2010, an 11.3% increase, compared with the national figure of 7.1%. We cannot accept that Warwick District is suitable for a rate of growth over 50% higher than the national average.

The Plan draws on two recent Strategic Housing Market Assessments – for Warwick District alone in 2012 and for Coventry and Warwickshire in 2013. They have carried out a wide range of population and household projections based on different assumptions. In the 2012 Assessment, for example, six of the ten projections not based on house building scenarios fall within the range of between a 7,000 and 11,000 increase in households between 2011 and 2031 – ie averages of between 350 and 550 per annum.

However the SHMAs cannot claim to have been an objective assessment of housing need. The work was commissioned by local authorities and the steering committees were dominated by development interests who have a vested interest in talking up the housing needs figures. Wider interests such as residents' groups and environmental bodies were excluded from the process. Because the Local Plan draws on the Assessments, it is unsound. The Strategic Housing Land Availability Assessment (SHLAA) was also monopolised by narrow development interests without the moderating influence of organisations with wider policy concerns.

In preparing their plan, WDC have assumed population growth of 17% between 2011 and 2029. This rate of growth would be above that for almost all the SHMA Projection Scenarios, despite the plan period being two years shorter than that of the SHMA. No justification is provided in the Plan for the choice of this figure.

The District Council have recognised the importance of relating housing need to economic growth forecasts. However the latter are also subject to great uncertainty, particularly at the level of an individual district. The link between economic activity and employment is particularly difficult to forecast because it depends on labour productivity, and the implications for housing need cannot be assessed without explicit assumptions about the level of in- and out-commuting in future, which appear to be lacking in this plan.

The Plan proposes (policy DS6) housing provision of 12,860 between 2011 and 2029 – a higher figure than in previous versions of the Local Plan on which consultation was carried out.. provision was 12,300 in the Revised Development Strategy and 10,800 in the previous version. The text does not make clear how the latest figure has been arrived at, or how it relates to the evidence in the SHLA, SHMAAs and elsewhere. The Plan is therefore unsound in its provision for housing.

In May 2014, the Office for National Statistics published new 2012-based population projections for England. They suggest that population may grow by 20,900 (15.1%) in Warwick District between 2012 and 2037. This is a very much lower rate of growth than the growth that actually occurred between 2000 and 2010. It is also much lower than the equivalent figures from the 2010-

based and 2011-based projections. The differences are attributed mainly to rebasing of trends following the 2011 census, but there are also changes in trends on births, marriages and migration, and changed assumptions about international migration. Both Warwick's and Warwickshire's population are now forecast to increase at a slower rate than the national average. We have reservations about the validity of population projections for individual districts, but if taken literally, the new projection would suggest that the need for new homes is about 3,700 below what the Plan has assumed for this reason alone.

Another reason why housing need may be lower than the Plan assumes is the assumption about average household size. This figure had been falling for a long time. However it has stabilised since 2001 and evidence suggests that it is increasing again. The latest figure we have is 2.295 persons per household (2011), as opposed to the 2001 figure of 2.245. Despite this, the Plan assumes a figure of 2.181. Housing need assessments are very sensitive to assumptions about average household size. WDC have assumed too rapid a fall in average household size during the plan period.

Taking all these factors into account, we consider that the Plan is unsound because its housing provision is based on out-of-date information and on an over-optimistic, inflated view of both employment and population growth prospects. The District Council have convinced themselves that continuing high growth is desirable, but this view is not shared by those responding to public consultation on previous versions of the Plan, and is increasingly at odds with the facts and with the latest ONS population projections. These issues need to be thoroughly debated at the examination in public in the light of the latest information then available.

CPRE's view is that housing provision of about 8,000 dwellings 2011-2029 is likely to be realistic and sustainable.

8. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at 7. above where this relates to soundness. (Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

9. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes, we wish to participate at the oral examination

10. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To advance our argument further, to take account of the views of other parties, and to answer any response by the local planning authority

11. Declaration

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Signed: **Mark A Sullivan for CPRE Warwickshire**

Date : 26 June 2014

For Official Use Only

Person ID:

Part B – CPRE Warwickshire Representations

Please note: this section will need to be completed for each representation you make on each separate policy.

4. To which part of the Local Plan or Sustainability Appraisal (SA) does this representation relate?

Local Plan or SA: **Local Plan**

Paragraph Number:

Policy Number: **H11 Limited village infill housing in the Green Belt - infill village boundaries shown on Proposals Map**

Policies Map Number: **Numbered maps listed in response below**

5. Do you consider the Local Plan is :

5.1 Legally Compliant? **No view**

5.2 Complies with the Duty to Co-oo co-operate? **No view**

5.3 Sound? **No**

6. If you answered no to question 5.3, do you consider the Local Plan and/or SA unsound because it is not: (please tick that apply):

Positively Prepared:

Justified: **No**

Effective: **No**

Consistent with National Policy: **No**

7. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Policy H11 as written is sound and is established Policy for Green Belt, as earlier set out in PPG2. It allows new houses in washed-over settlements under very strict controls. These are well set-out in the Policy.

Paragraphs 4.77-4.79 are also sound and in accordance with national Green Belt policy.

Policy H1 makes no reference to the purple-coloured dashed-line boundaries which appear around a large number of washed-over small villages, on the Proposals Map.

There is no justification for these boundaries. The past Local Plans for Warwick District have not included any such 'infill boundaries'. To include such a boundary would be likely to encourage

applications for new housing within the boundary on the ground that this indicates a boundary within which housing can be applied for. The boundaries do nothing to assist the implementation of Policy H11 and would be likely to harm it by increasing applications which then need to be refused under the terms of the Policy itself.

The NPPF at para 86 sets out the national policy on villages in the Green Belt. Policy H11 is in accordance with the NPPF. The NPPF gives no support to showing 'village infill boundaries' for washed-over settlements in the Green Belt.

Village infill boundaries are shown for some small villages outside the Green Belt. These should also be deleted.

See full list (as noted by CPRE) in reply to Question 8 below.

8. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at 7. above where this relates to soundness. (Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Remove all the 'village infill boundaries' from the Proposals Map.

The following settlements have village infill boundaries shown. They should all be removed.

Stoneleigh

Eathorpe

Weston-under-Weatherley

Hill Wootton

Old Milverton

Offchurch

Wasperton

Sherbourne

Hampton-on-the-Hill

Norton Lindsey

Hatton Green

Hatton Station

Shrewley

Little Shrewley

Beausale

Haseley Knob

Lowsonford

Rowington

Rowington Green

Baddesley Clinton

Lapworth

Chesetts Wood

Aylesbury House

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes, we wish to participate at the oral examination

10. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To advance our argument further, to take account of the views of other parties, and to answer any response by the local planning authority

11. Declaration

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Date : 26 June 2014

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Please note: this section will need to be completed for each representation you make on each separate policy.

4. To which part of the Local Plan or Sustainability Appraisal (SA) does this representation relate?

Local Plan or SA: **Local Plan**

Paragraph Number:

Policy Number: **TR5 Safeguarding for Transport Infrastructure**

Policies Map Number:

5. Do you consider the Local Plan is :

5.1 Legally Compliant? **No view**

5.2 Complies with the Duty to Co-operate? **No view**

5.3 Sound? **No**

6. If you answered no to question 5.3, do you consider the Local Plan and/or SA unsound because it is not: (please tick that apply):

Positively Prepared:

Justified: **No**

Effective: **No**

Consistent with National Policy:

7. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

The 'areas of search for Park & Ride' should be deleted from TR5 and from the Proposals Map. The P&R proposal is not justified and would not be effective. The safeguarding of large areas around Blackdown and Greys Mallory roundabouts, and west of Europa Way, would blight countryside at sensitive locations (Blackdown is in the Green Belt).

The justification offered is weak. The proposal to safeguard land around Grays Mallory roundabout was included in the previous Local Plan. This was for the then 'SPRINT' park & ride proposal of Warwickshire County Council, which was not found to be justified, and was abandoned. If the land is safeguarded, the area shown should exclude land east of Europa Way (which was excluded following the Inspector's recommendation on the adopted Local Plan's similar safeguarding proposal – see adopted Local Plan Proposals Map).

TR5 should have added to it safeguarding of a northern, town-centre side access to Leamington Spa Railway Station. The area shown on the Proposals Map east of housing allocation H10 (former Avenue Road station and current bus garage site) is not shown as safeguarded for this direct foot access from the town centre. That new access is shown in the Supplementary Planning Guidance adopted for the station area, but there has been no implementation. As it is likely to be progressed during the Plan period, this facility should be safeguarded under Policy TR5.

8. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at 7. above where this relates to soundness. (Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Delete 'Areas of Search for Park & Ride' from TR5

Add new at TR5 (c) 'north side direct access to Leamington Spa Railway Station from Avenue Road'. Explanatory statement to refer to the Supplementary Planning Guidance adopted for the station area.

9. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes, we wish to participate at the oral examination

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Date : 26 June 2014

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Part B – CPRE Warwickshire Representations

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4. To which part of the Local Plan or Sustainability Appraisal (SA) does this representation relate?

Local Plan or SA: **Local Plan**

Paragraph Number:

Policy Number: **DS2 Providing the homes the District needs**

Policies Map Number:

5. Do you consider the Local Plan is :

5.1 Legally Compliant? **No view**

5.2 Complies with the Duty to Co-operate? **No view**

5.3 Sound? **No**

6. If you answered no to question 5.3, do you consider the Local Plan and/or SA unsound because it is not: (please tick that apply):

Positively Prepared:

Justified: **Not justified**

Effective: **Not effective**

Consistent with National Policy: **No**

7. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

The population of the district grew by 14,800 (11.9%) between 2000 and 2010. This was a very much faster rate of growth than for the West Midlands (3.5%). The district's growth was fuelled by a high rate of net in-migration averaging 460 per annum between 2005 and 2010.

However averages are highly misleading in this case. Net in-migration fell from a figure of over 2,000 per annum in the years immediately following the millennium to 400 in 2008-9 and net out-migration of 700 in 2009-10. This is a very clear and striking trend. In view of this dramatic change it is not acceptable, as the 2012 SHMAA did, to take the 460 average and simply project it forward over the plan period. Unless the 2009-10 figure is shown to be an aberration, there is a real possibility that there will be net out-migration from rather than in-migration to the district over the plan period. Some of the projections in the 2013 Strategic Housing Market assessment (SHMA) opt for even higher in-migration assumptions

We regard the past rate of growth of population and in-migration as unsustainable in the long-term. If continued, it would place inordinate pressure on the district's high quality environment

and its infrastructure. It would also encourage out-migration from Coventry and weaken the urban regeneration efforts of that authority. In our view, the District Council should be planning for a very much lower level of growth in which housing and employment are balanced against environmental objectives. Although the District Council claim in paragraph 1.51 of the Plan that this is what the Plan does, we see little or no evidence that they are right.

The rate of house building has also been very high over the past decade. The housing stock grew by 6,011 between 2000 and 2010, an 11.3% increase, compared with the national figure of 7.1%. We cannot accept that Warwick District is suitable for a rate of growth over 50% higher than the national average.

The Plan draws on two recent Strategic Housing Market Assessments – for Warwick District alone in 2012 and for Coventry and Warwickshire in 2013. They have quite rightly carried out a wide range of population and household projections based on different assumptions. In the 2012 Assessment, for example, six of the ten projections not based on house building scenarios fall within the range of between a 7,000 and 11,000 increase in households between 2011 and 2031 – ie averages of between 350 and 550 per annum.

However the SHMAs cannot claim to have been an objective assessment of housing need. The work was commissioned by local authorities and the steering committees were dominated by development interests who have a vested interest in talking up the housing needs figures. Wider interests such as residents' groups and environmental bodies were excluded from the process. Because the Local Plan draws on the Assessments, it is unsound. The Strategic Housing Land Availability Assessment (SHLAA) was also monopolised by narrow development interests without the moderating influence of organisations with wider policy concerns.

In preparing their plan, WDC have assumed population growth of 17% between 2011 and 2029. This rate of growth would be above that for almost all the SHMA Projection Scenarios, despite the plan period being two years shorter than that of the SHMA. No justification is provided in the Plan for the choice of this figure.

The District Council have recognised the importance of relating housing need to economic growth forecasts. However the latter are also subject to great uncertainty, particularly at the level of an individual district. The link between economic activity and employment is particularly difficult to forecast because it depends on labour productivity, and the implications for housing need cannot be assessed without explicit assumptions about the level of in- and out-commuting in future, which appear to be lacking in this plan.

The Plan proposes (policy DS6) housing provision of 12,860 between 2011 and 2029 – a higher figure than in previous versions of the Local Plan on which consultation was carried out.. provision was 12,300 in the Revised Development Strategy and 10,800 in the previous version. It is far from clear how the latest figure has been arrived at, or how it relates to the evidence in the SHLA, SHMAAs and elsewhere. The Plan is therefore unsound in its provision for housing. In May 2014, the Office for National Statistics published new 2012-based population projections for England. They suggest that population may grow by 20,900 (15.1%) in Warwick District between 2012 and 2037. This is a very much lower rate of growth than the growth that actually occurred between 2000 and 2010. It is also much lower than the equivalent figures from the 2010-based and 2011-based projections. The differences are attributed mainly to rebasing of trends following the 2011 census, but there are also changes in trends on births, marriages and migration, and changed assumptions about international migration. Both Warwick's and Warwickshire's population are now forecast to increase at a slower rate than the national average. We have reservations about the validity of population projections for individual districts, but if taken literally, the new projection would suggest that the need for new homes is about 3,700 below what the Plan has assumed for this reason alone.

Another reason why housing need may be lower than the Plan assumes is the assumption about average household size. This figure had been falling for a long time up to the millennium but has stabilised and even increased since, contrary to DCLG forecasts. The latest figure we have is 2.295 persons per household (2011), as opposed to the 2001 figure of 2.245, but the Plan assumes a figure of 2.181. Housing need assessments are very sensitive to assumptions about average

household size and we believe that WDC have assumed too rapid a fall in average household size during the plan period.

Taking all these factors into account, we consider that the Plan is unsound because its housing provision is based on out-of-date information and on an over-optimistic, inflated view of both employment and population growth prospects. The District Council have convinced themselves that continuing high growth is desirable, but this view is not shared by those responding to public consultation on previous versions of the Plan, and is increasingly at odds with the facts and with the latest ONS population projections. These issues need to be thoroughly debated at the examination in public in the light of the latest information then available.

CPRE's view is that housing provision of about 8,000 dwellings is likely to be realistic and sustainable.

8. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at 7. above where this relates to soundness. (Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

See Response on Policy DS6

9. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes, we wish to participate at the oral examination

10. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To advance our argument further, to take account of the views of other parties, and to answer any response by the local planning authority

11. Declaration

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Signed: **Mark A Sullivan for CPRE Warwickshire**

Date : 26 June 2014

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4. To which part of the Local Plan or Sustainability Appraisal (SA) does this representation relate?

Local Plan or SA: **Local Plan**

Paragraph Number:

Policy Number: **DS5 Presumption in Favour of Sustainable Development**

Policies Map Number:

5. Do you consider the Local Plan is :

5.1 Legally Compliant? **No view**

5.2 Complies with the Duty to Co-operate? **No view**

5.3 Sound? **No**

6. If you answered no to question 5.3, do you consider the Local Plan and/or SA unsound because it is not: (please tick that apply):

Positively Prepared:

Justified:

Effective:

Consistent with National Policy: **The stated policy is not consistent with the NPPF**

7. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Policy DS5 appears to add nothing to the NPPF but it misrepresents Government policy. It is therefore unsound. The NPPF explicitly¹ excludes Green Belt land from the presumption in favour of sustainable development but Policy DS5 makes no mention of this important fact.

Policy DS5 refers to the NPPF's presumption in favour of sustainable development without recognising that this does not apply in the Green Belt. The Council's persistent failure to acknowledge this, also evident during the Coventry and Warwickshire Gateway public inquiry, goes to the heart of its cavalier approach to the Green Belt.

The Plan proposes to remove no fewer than thirteen sites from the Green Belt. As noted elsewhere, we consider that the Plan fails to demonstrate the exceptional circumstances needed to

¹ NPPF paragraph 14 and Footnote 9

justify each of these changes. Moreover there is no evidence that the Council have considered adding land to the Green Belt. The changes are all one way.

In a written ministerial statement on 1 July 2013, Local Government Minister Brandon Lewis said

–

‘Having considered recent planning decisions by councils and the Planning Inspectorate, it has become apparent that, in some cases, the green belt is not always being given the sufficient protection that was the explicit policy intent of ministers. The Secretary of State wishes to make clear that, in considering planning applications, although each case will depend on its facts, he considers that the single issue of unmet demand, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the green belt and other harm to constitute the ‘very special circumstances’ justifying inappropriate development in the green belt.’

Although this statement primarily addresses the determination of planning applications, it would clearly be perverse if similar policy principles did not apply to proposals to remove land from the green belt. We consider that the Plan is at odds with this recent policy statement.

8. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at 7. above where this relates to soundness. (Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

- **Either delete Policy DS5 or set an appropriate expectation that there is no presumption in favour of sustainable development in the Green Belt.**

9. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes, we wish to participate at the oral examination

10. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To advance our argument further, to take account of the views of other parties, and to answer any response by the local planning authority

11. Declaration

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4. To which part of the Local Plan or Sustainability Appraisal (SA) does this representation relate?

Local Plan or SA: **Local Plan**

Paragraph Number:

Policy Number: **Policy DS8 Employment Land**

Policies Map Number:

5. Do you consider the Local Plan is :

5.1 Legally Compliant? No view

5.2 Complies with the Duty to Co-operate? **No** view

5.3 Sound? **No**

6. If you answered no to question 5.3, do you consider the Local Plan and/or SA unsound because it is not: (please tick that apply):

Positively Prepared:

Justified: **The proposed amount of land is not justified**

Effective:

Consistent with National Policy:

7. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Policy DS8 is unsound – it does not satisfy the requirement to meet objectively assessed development requirements.

The proposed Plan persists with the approach on employment land we have objected to¹ before. This leads to excessive allocation of employment land. Worse still, the SA claims² that there are positive effects from allocation of this excessive amount (66ha) of employment land and from protecting employment land; in fact, the figures on employment land make it very clear that the Plan proposes redevelopment of existing employment land and this is part of the rationale for the excessive amount of land allocated. The SA's section on Consultation Responses

¹ CPRE response to WDC Revised Development Strategy, July 2013, section 5

² SA paragraphs 5.15- 5.16 versus Table on P21 of Plan

shows no recognition of CPRE's earlier consultation responses. This makes both the proposed Plan and the associated Sustainability Appraisal unsound.

We will not repeat here our detailed criticism from our July 2013 response but in summary:

- The margin “*to provide flexibility of supply*” (16.5ha) is excessive (almost 50% extra on top of the established demand of 36ha) in order to provide ‘choice’. In terms of ‘additional buffer to ensure choice’ for housing, the NPPF proposes³ a 5% buffer. Even double that buffer (10%) amounts to 3.6ha rather than 16.5ha;
- The addition of a further 13.5ha for “*potential replacement for redevelopment of existing employment areas*” is also unjustified. This approach conflicts with the ‘brownfield first’ approach of policies DS4 (Spatial Strategy) and EC3 (Protecting Employment Land). There is no valid justification for releasing existing employment land in urban areas rather than regeneration as employment land, improving effective use of existing urban employment sites.

If these changes are made, the established employment land requirement is 39.6ha. The Plan shows⁴ that there are 47.55ha of available employment land, confirming that there is an excess supply of employment land.

8. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at 7. above where this relates to soundness. (Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Rewrite policy to take into account the facts set out above.

³ NPPF paragraph 47

⁴ Paragraph 3.41

9. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes, we wish to participate at the oral examination

10. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To advance our argument further, to take account of the views of other parties, and to answer any response by the local planning authority

11. Declaration

I understand that all comments submitted will be considered in line with this consultation, and that my comments will be made publicly available and may be identifiable to my name/organisation.

Signed: **Mark A Sullivan for CPRE Warwickshire**

Date : 26 June 2014

For Official Use Only

Person ID:

Part B – CPRE Warwickshire Representations

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4. To which part of the Local Plan or Sustainability Appraisal (SA) does this representation relate?

Local Plan or SA: **Local Plan**

Paragraph Number:

Policy Number: **DS9 Employment Sites to be Allocated**

Policies Map Number:

5. Do you consider the Local Plan is :

5.1 Legally Compliant? **No view**

5.2 Complies with the Duty to Co-operate? **No view**

5.3 Sound? **No**

6. If you answered no to question 5.3, do you consider the Local Plan and/or SA unsound because it is not: (please tick that apply):

Positively Prepared:

Justified: **It is not justified**

Effective:

Consistent with National Policy:

7. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Policy DS9 is unsound – it does not satisfy the requirement to meet objectively assessed development requirements.

Policy DS9 is predicated on the erroneous claim that an additional 19.7ha of employment land is needed. If the calculation is corrected as outlined in the previous section, WDC has an excess of employment land. There is no justification for the proposal to allocate green-field land for employment use and in particular, there are no exceptional circumstances for allocating 8ha of Green Belt land at Thickthorn.

8. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at 7. above

where this relates to soundness. (Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Delete the proposed policy – there is no need for further employment sites to be allocated

9. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes, we wish to participate at the oral examination

10. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

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4. To which part of the Local Plan or Sustainability Appraisal (SA) does this representation relate?

Local Plan or SA: **Local Plan**

Paragraph Number:

Policy Number: **DS16 Sub-Regional Employment Site**

Policies Map Number:

5. Do you consider the Local Plan is :

5.1 Legally Compliant? **No view**

5.2 Complies with the Duty to Co-operate? **No view**

5.3 Sound? **No**

6. If you answered no to question 5.3, do you consider the Local Plan and/or SA unsound because it is not: (please tick that apply):

Positively Prepared:

Justified: **It is not justified**

Effective:

Consistent with National Policy:

7. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

The claimed justification¹ for Policy DS16 depends on the Strategic Economic Plan ('SEP') produced by the CWLEP in March 2014. The SEP supported the "Coventry and Warwickshire Gateway" ('the Gateway') application on the site which was the subject of a call-in inquiry; the decision of the Secretary of State ('SoS') is awaited. Both the SEP and the WDC draft plan² depend on a "Joint Employment Land Review, March 2014" but this report has not been made available. At the time of the Gateway Inquiry (April 2014), the Review was said by the applicant to be incomplete. The evidence base (for both the proposed policy DS16 and the SEP) is incomplete and there has been no opportunity for consultation or engagement of interested parties on this evidence.

There is no evidence to establish the justification for a sub-regional employment site being located within Warwick District. There has been no sustainability appraisal of alternative sites showing why the proposed site should be developed instead of existing or potential alternative sites. Evaluations of alternative sites undertaken by both the Gateway applicant and WDC have focused exclusively on commercial aspects without taking comparative environmental impacts into account.

¹ Paragraphs 2.70-2.75

² Paragraph 2.71 and References under paragraph 2.87

By ignoring environmental aspects, alternative site evaluations fail to take account of the NPPF's three dimensions³ of sustainable development: economic, social and environmental.

At the Gateway Inquiry, WDC claimed⁴ that there was evidence of 'exceptional circumstances' for the proposed Green Belt change associated with the Sub-Regional Employment Site. They did not reveal such evidence but claimed it was independent of the 'very special circumstances' evidence presented for the specific Gateway proposals. There is no evidence of 'exceptional circumstances' for the proposed sub-regional employment site or of justification other than that put forward for the Gateway application. In the Gateway Inquiry, the applicant and Warwick District Council claimed support from the emerging WDC plan but that plan is dependent on specific economic analysis for the Gateway application – a circular argument.

The proposed Plan is unsound because there is no evidence that Policy DS16 is justified. The Plan should be the most appropriate strategy when considered against reasonable alternatives. There is no evidence that there has been a balanced evaluation⁵ of reasonable alternative sites. The Sustainability Appraisal claims⁶ major positive economic effects but does not seem to have included analysis of the environmental effects of the Sub-Regional Employment Site (Gateway) proposal. The proposed Plan, with its SA, is unsound.

The Plan fails to meet the requirements specified in the National Planning Policy Guidance⁷ that *"the sustainability appraisal needs to compare all reasonable alternatives...and assess these against the baseline environmental, economic and social characteristics... The sustainability appraisal should predict and evaluate the effect of the preferred approach and reasonable alternatives and should clearly identify the significant positive and negative effects of each alternative"*. The NPPG specifies⁸ that *"sustainability appraisal ensures that environmental effects are given full consideration alongside social and economic issues"*. Its failure to judge the proposed approach against reasonable alternatives means it does not comply with the Strategic Environmental Assessment Regulations which implement the requirements of European Directive 2001/42/EC.

Policy DS16 also conflicts with the rationale⁹ for Policy EC1; there is no justification for the addition of circumstance d) in the Rural Areas section of Policy EC1. This makes Policy EC1 unsound as currently written. The addition of the exception in Policy EC3 is also unjustified, making this policy unsound as currently proposed.

8. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at 7. above where this relates to soundness. (Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

- Delete Policy DS16 and remove it from the Policies Map
- Remove references to sub-regional employment site from policies EC1 and EC3

³ NPPF paragraph 7

⁴ Evidence of Tracy Darke for WDC

⁵ Taking into account all three dimensions (as defined in NPPF paragraph 7) especially the environmental impact. The Environmental Statement for the Gateway application evaluated some alternative sites from an economic point of view only (without any consideration of relative environmental impacts)

⁶ SA paragraph 26

⁷ <http://planningguidance.planningportal.gov.uk/blog/guidance/strategic-environmental-assessment-and-sustainability-appraisal/sustainability-appraisal-requirements-for-local-plans/>

⁸ <http://planningguidance.planningportal.gov.uk/blog/guidance/strategic-environmental-assessment-and-sustainability-appraisal/strategic-environmental-assessment-and-sustainability-appraisal-and-how-does-it-relate-to-strategic-environmental-assessment/>

⁹ Paragraphs 3.20-3.22

9. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes, we wish to participate at the oral examination

10. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

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4. To which part of the Local Plan or Sustainability Appraisal (SA) does this representation relate?

Local Plan or SA: **Local Plan**

Paragraph Number:

Policy Number: **DS19 Green Belt (Coventry Gateway location)**

Policies Map Number:

5. Do you consider the Local Plan is :

5.1 Legally Compliant? **No view**

5.2 Complies with the Duty to Co-operate? **No view**

5.3 Sound? **No**

6. If you answered no to question 5.3, do you consider the Local Plan and/or SA unsound because it is not: (please tick that apply):

Positively Prepared:

Justified: **It is not justified**

Effective:

Consistent with National Policy:

7. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

The list of sites proposed to be removed from the Green Belt ('GB') includes "*land in the vicinity of Coventry Airport (sub-regional employment site)*"¹. This change was not included in previous versions of the emerging WDC plan, some of which explicitly argued against such a course of action². There has therefore been no prior (or proper) consultation on this proposed GB change. This makes the proposed policy unsound and unjustified because the consultation process has not allowed effective engagement of interested parties.

¹ Plan paragraph 2.81

² Revised Development Strategy paragraph 5.5.8

At the Gateway Inquiry, WDC emphasised³ that this consultation is only about soundness, not a consultation on the policies themselves. Therefore WDC have provided no opportunity for consultation on this proposed GB change. This fails to comply with Government policy, as recently re-confirmed by the Minister for Planning⁴. Lack of adequate consultation renders the plan legally non-compliant.

The National Planning Policy Framework also requires⁵ that GB boundaries should only be altered in ‘exceptional circumstances’, bearing in mind their intended permanence. An earlier draft of the Plan included a statement⁶ that ‘*exceptional reasons do exist*’ (without any actual reasons being stated) but this statement was removed from the current version of the Plan. There is no evidence of exceptional circumstances for the proposed change, making the Plan unsound.

WDC proposes⁷ that it would review its proposed policy on sub-regional employment site if the SoS rejects the Gateway application. However, if the site has been taken out of the GB meanwhile, this approach would be futile.

The situation could arise that the Secretary of State refuses permission for the Gateway on the basis that there are no ‘special circumstances’ but the Plan claims ‘exceptional circumstances’ in order to take the Gateway area out of the Green Belt. This would be extremely damaging, leaving the area around Coventry Airport open to piecemeal development and urban sprawl.

8. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at 7. above where this relates to soundness. (Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

- Delete “*land in the vicinity of Coventry Airport (sub-regional employment site)*” from the text supporting Policy DS19 and remove it from the Policies Map

³ Evidence of Tracy Darke for WDC

⁴ Letter from Nick Boles, Parliamentary Under Secretary of State (Planning) to Jeremy Wright MP

⁵ NPPF paragraph 83

⁶ The current paragraph 2.74 of the Plan previously included a second sentence “*It considers that exceptional reasons do exist for proposing that the land shown on the Policies Map is removed from the Green Belt.*” That sentence was removed at the Council meeting that eventually approved release of the Publication Draft Plan

⁷ Email from Dave Barber to Councillors, subject Local Plan amendments, [amendment 13](#), dated 23 April

9. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes, we wish to participate at the oral examination

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4. To which part of the Local Plan or Sustainability Appraisal (SA) does this representation relate?

Local Plan or SA: **Local Plan**

Paragraph Number:

Policy Number: **EC1 Directing New employment Development**

Policies Map Number:

5. Do you consider the Local Plan is :

5.1 Legally Compliant? **No view**

5.2 Complies with the Duty to Co-operate? **No view**

5.3 Sound? **No**

6. If you answered no to question 5.3, do you consider the Local Plan and/or SA unsound because it is not: (please tick that apply):

Positively Prepared:

Justified: **Policy as proposed is not justified**

Effective:

Consistent with National Policy:

7. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

As described in our response to Policy DS16, there is no justification for circumstance d) in the Rural Areas section of Policy EC1

8. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at 7. above where this relates to soundness. (Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Remove circumstance d) from Rural Areas

9. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes, we wish to participate at the oral examination

10. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

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4. To which part of the Local Plan or Sustainability Appraisal (SA) does this representation relate?

Local Plan or SA: **Local Plan**

Paragraph Number:

Policy Number: **Policy EC3 Protecting Employment Land and Buildings**

Policies Map Number:

5. Do you consider the Local Plan is :

5.1 Legally Compliant? **No view**

5.2 Complies with the Duty to Co-operate? **No view**

5.3 Sound? **No**

6. If you answered no to question 5.3, do you consider the Local Plan and/or SA unsound because it is not: (please tick that apply):

Positively Prepared:

Justified: **Proposed policy is not justified as currently written**

Effective:

Consistent with National Policy:

7. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

As described in our response to Policy DS16, the additional of an exception for Sub-Regional Employment needs is not justified.

8. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at 7. above where this relates to soundness. (Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Delete the exception relating to sub-regional employment

9. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes, we wish to participate at the oral examination

10. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

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