

Consultation on Proposed Modifications (2016) Response Form

For Official Only	
Person ID	
Rep ID	

Please use this form if you wish to support or object to the Proposed Modifications

This form has two parts:

Part A – Personal Details
Part B – Your Representations

If your comments relate to more than one proposed Modification you will need to complete a separate Part B of this form for each representation.

This form may be photocopied or alternatively extra forms can be obtained from the Council's offices or places where the Modifications have 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 returned by **4.45pm on Friday 22 April 2016**

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 documents:

Copies of the proposed Modifications, updated Sustainability Appraisal and all supporting documents are available for inspection on the Council's web site at www.warwickdc.gov.uk/newlocalplan and also 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, CV3 6EP

Part A - Personal Details

1. Personal Details*

2. Agent's Details (if applicable)

* If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in section 2.

Title		Mr
First Name		Tim
Last Name		Watton
Job Title (where relevant)		Technical Director
Organisation (where relevant)	Lenco Investments	RPS Planning & Development
Address Line 1		Highfield House
Address Line 2		5 Ridgeway
Address Line 3		Quinton Business Park
Address Line 4		Birmingham
Postcode		B32 1AF
Telephone number		0121 213 5500
Email address		Tim.Watton@rpsgroup.com

3. 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 Modifications to the appointed Inspector

Yes No

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

Yes No

The adoption of the Local Plan.

Yes No

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Part B - Your Representations

Please note: this section will need to be completed for each representation you make

4. To which proposed Modification to the Submission Plan or the updated Sustainability Appraisal (SA) does this representation relate?

Modification or SA:	<input type="text"/>
Mod. Number:	<input type="text" value="MOD20"/>
Paragraph Number	<input type="text"/>
Mod. Policies Map Number:	<input type="text"/>

5. Do you consider the Local Plan is :

5.1 Legally Compliant?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
5.2 Sound?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

6. If you answered no to question 5.2, do you consider the Proposed Modification is unsound because it is not:

(Please tick)

Positively Prepared:	<input checked="" type="checkbox"/>
Justified:	<input checked="" type="checkbox"/>
Effective:	<input checked="" type="checkbox"/>
Consistent with National Policy:	<input type="checkbox"/>

7. Please give details of why you consider the Proposed Modifications to the Submission Warwick District Local Plan are not legally compliant or are unsound. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Proposed Modifications, please also use this box to set out your comments.

1. The Council proposes a new and significant policy as part of the Main Modifications addressed under MOD20 as Policy DS NEW 1. This policy seeks to translate the housing need from the September 2015 Coventry and Warwickshire Memorandum of Understanding (MoU) into local figures for growth.
2. In particular, the MoU creates a framework to support the growth for an additional 6,640 dwellings from Coventry to be met within Warwick district.
3. Policy DS NEW 1 proposes that this need will be met through two sites:
 - Westwood heath (425 dwellings); and
 - Kings Hill (1,800 dwellings).
4. Lenco Investments has a number of concerns with the approach outlined by the Council, principally surrounding the sites that have been proposed for development.
5. In addition to this, issue is taken with the Council's apportionment to development to meet Coventry's need. The Council has already agreed to take 6,640 dwellings from Coventry, however only 2,225 are proposed adjacent to the city in order to meet this need. As discussed as part of Lenco Investments' response to MOD3, the spatial strategy for the Local Plan is incorrect and needs to be adjusted in order for Coventry's need to be better aligned to Coventry city.
6. Turning to the main issue of contention, Lenco Investments does not believe that the Council has undertaken the level of work necessary to justify and support the two urban extensions proposed around Coventry. Both of these sites are unsupported by evidence and provide no certainty of delivery within the plan period.
7. As noted below, Lenco Investments is given little confidence that the allocations proposed will be developed as part of the planned trajectory for the Local Plan, though it is clear from the outset that additional sites are needed to the south of Coventry, a change which will also need to be reflected through sufficient releases to the Green Belt.
8. Development around the edge of Coventry should be strategically located to reflect not only what is there, but what is planned in the future, reflecting changes to key transport nodes. The strategic sites proposed do not appear to bear any relation to the strategic employment growth proposed as part of the Coventry Gateway site. Exploring the linkages between employment and housing is a key component to understanding how sites perform in terms of sustainability and the likely travel flows that will result as an impact. It is clear that locating new housing growth next to existing or planned employment will maximise the opportunities for sustainable travel and mitigate against some of the impacts of development.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested changes, as there will not normally be a subsequent opportunity to make further representations. Further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

Westwood Heath

9. The Council is proposing that this site is capable of delivering around 450 dwellings, a figure which is capped due to infrastructure constraints. The site has been considered as part of the 2014 SHLAA, identified as site C13. The site is determined to be only suitable in part (around 61%), based on a capacity exercise undertaken by the Council to limit the impact of the site and the potential adverse impacts on the character of the area and special biodiversity interests to the south of the site. The site has been reduced from the boundary proposed in the SHLAA, though it is observed that 83% of the site has been included, contrary to the recommendations of the Council's own evidence.
10. One of the key criticisms of the site as part of the SHLAA is that development involves:

“Extending development beyond a definable boundary into an area of high landscape value with no strong recognisable boundary to the south”

11. It does not appear from the Proposed Modifications that regard has been given to this consideration, which by the Council's own admission could be damaging to the local area.
12. Due to safeguarded land to the east of the site, development at this location would be at odds with the character of the settlement. On these grounds alone, the Council should have considered whether alternative sites would have given rise to more or less significant impacts, which may have been less sensitive for development.
13. Another factor for consideration here is the availability of land required to support the University of Warwick. Within the Proposed Modifications (Para 1.5 of MOD21), the Council indicates that the University will be preparing a revised masterplan for growth, which the Council notes should be accounted for when considering site layouts elsewhere in the vicinity.
14. The University of Warwick is separated from the proposed allocation by an area of newly proposed safeguarded land (DS NEW2 - Land South of Westwood Heath Road). This area of land is proposed to meet arising development needs beyond the current plan period and, due to the Green Belt status, could only be removed as part of a Local Plan review.
15. The concern here is that little consideration appears to have been given to the growth aspirations of the University, who may need additional land as part of the plan period to expand operations. Should the Council wish to safeguard Land South of Westwood Heath Road and develop Westwood Heath for residential purposes, there would be little room for expansion of the University, other than directions to the south.
16. The Council has not appraised Westwood Heath in terms of suitability for a potential expansion site for the University. Given the limited options for growth of the University adjacent to the existing facilities, this is something which needs to be given further investigation by the Council.

Kings Hill

17. The Council has submitted this site for allocation for 1,800 dwellings (overall capacity 4,000 dwellings) including only a supporting Sustainability Appraisal (SA) to justify the inclusion of the site. As part of the Proposed Modifications it is unclear what, if any, alternative sites have been tested by the Council, however the Council has pushed forward and included Land at Kings Hill to meet a significant component of need arising from Coventry. Lenco Investments considers that the inclusion of this site is

premature, as the feasibility and deliverability of the draft allocation remains vague and unsupported by evidence.

18. The only recorded evidence available at the time of consultation is the SHLAA, which has seen a number of updates over the years. This total area of this site is included as part of the 2014 SHLAA, where a number of constraints to delivery have been noted. As part of the overall summary of suitability, the SHLAA notes that the site may potentially be suitable, however only in part due to a number of physical and environmental constraints.
19. The Council revised its view on the SHLAA as part of the 2016 update. This update removed an area of land surrounding Kings Hill nursery. This is a curious move by the Council, given that the allocation boundary proposed by the Council actually includes the nursery, rather than discounting it as the latest SHLAA has done. Despite this change, the highlighted areas of constraint still remain. All of the physical and environmental issues identified by the Council are still recorded in the SHLAA, which casts doubt over the legitimacy of the Council's assessment.
20. A number of principal areas of concern are highlighted for the benefit of the Council which warrant further investigation:

Deliverable Land

21. The Council expects that this site can deliver 4,000 dwellings, 1,800 of which will come forward as part of the plan period.
22. The site allocation covers a broad area encompassing Kings Hill, butting against Stoneleigh Road and the A46 as the maximum extents of development. From this plan, it does not appear that any consideration has been given to land availability, or features within the site that may constraint housing delivery:
 - Impact of Finham Brook - Finham Brook is identified as a potential Local Wildlife Site which passes through the southern area of the site, south of Kings Hill Lane. Environment Agency records indicate that in addition to presenting an area of Flood Zone 2 and 3, the extents of the brook passes through a significant area of the site, enveloping a significant area of the site as a medium to high surface water flood risk.
 - Existing uses to the north – this includes Leasowes farm/nursery and an existing cricket ground. No information has been submitted to suggest how these uses will be incorporated or replaced.
 - Existing uses to the south – Kings Hill nurseries currently operate on the site, occupying a significant amount of land along Kings Hill Lane.
 - Hill Farm – Hill farm occupies a significant area, to the north east of the site. This farm is a Scheduled Ancient Monument (SAM), which is a site of national significance. Not only will this feature need to be protected, but the setting of the asset will also need to be reflected as part of any development proposal. In addition to this, the SHLAA also notes that part of the site is a Regionally Important Geological site which will need to be excluded from the developable boundary. What the SHLAA did not pick up upon was the three Grade II listed properties within the site. Ensuring that the setting of these historic assets will be an important consideration that any development at this location will need to factor in.
 - Wainbody Wood: This area of woodland is not only of local significance, it is recognised as an Ancient Woodland which will have to be retained as part of any future development proposals. The SA of the site indicates that a buffer zone will be required between the woodland and development to avoid potential impacts.
 - Agricultural land – The supporting SA indicates (p25) that the current extents of the Grade 3 land is unknown. What is known is that there is an area of Grade 2

land along the south western boundary. The SA score is predicated on the fact that it is assumed development will be avoided on this land. If this is the case, this is an additional area of land excluded from development.

23. It is clear from the above that there are a number of features within this site that are likely to constraint not only the ability of the site to achieve the desired number of dwellings, but also affect how the layout of the scheme might be achieved. This list of considerations does not include infrastructure necessary to the deliverability of this site. It is likely that transport improvements and sustainable drainage will place further requirement for land on the site, all of which contribute to difficult conditions for delivery.

Availability

24. The latest SHLAA indicates that the site is under the control of a consortium that is willing to bring the site forward for development. The red line boundary plan included within the SHLAA does not, however cover the full extents of the site, which excludes land around Kings Hill nurseries. The full extent of land ownership is therefore unknown.
25. The SHLAA is clearly a useful document in setting out the Council's thoughts on land that may be deliverable, however it is not undertaken at the required level of detail needed to support a strategic allocation, particularly one that is being put forward for up to 4,000 dwellings. It is considered that insufficient evidence has been presented in the SHLAA, or the Proposed Modifications document in demonstrating that the site is available for development as part of the emerging plan period.
26. Issues surrounding land ownership can often frustrate delivery, particularly where there are multiple land owners all with expectations about what the site can deliver. As indicated above, there are a number of land uses within the proposed allocation that may conflict with the overall objective for growth at this location.

Access and Highways

27. The Council's broad allocation of land at Kings Hill is supported by very little in the way of justification explaining how the site will be served and what improvements need to be made to ensure that the development operates within acceptable tolerances.
28. MOD20 indicates that a new link road is potentially required, connecting the A46 with Kirkby Corner and subsequently to the A452 or A45. No indication is given where the access from the site will be taken and the Proposed Modifications give no certainty that this proposal can be made acceptable in highways terms. Should it transpire that a link road is not just optional but required in order to facilitate the development, there will be significant implications for the delivery of the site, both fiscally and in terms of the timescales for delivery. It is considered that this issue has not been subject to sufficient levels of scrutiny, which casts serious doubts over the achievability of the proposed allocation.

Flooding

29. As indicated above, large swathes of the site are indicated within Environment Agency data as land recorded as either Flood Zone 2/3 or at risk of surface water flooding. One of the main sources of flooding on the site is Finham Brook which passes through the site. Whilst this will not prevent development on the site per se, it will affect the amount of developable land within the draft allocation.
30. The emerging allocation needs to be more realistic about how the impact and flooding and/or surface water will affect the capacity of the site and the ability to deliver a cohesive development with sufficient land for surface water attenuation.

7. Please set out what change(s) you consider necessary to make the Proposed Modifications to the Submission Warwick District Local Plan legally compliant or sound, having regard to the test you have identified at Question 5 above where this relates to soundness. You will need to say why this change will make the Local Plan/Sustainability Appraisal 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.

Strategic Sites around Coventry

31. Lenco Investments supports the logic behind identifying land for strategic development around Coventry however it is crucial that the Council identifies land in the right places, to support the links between housing and the local economy.
32. The current options presented by the Council are not considered to be effective, justified or positively prepared when assessed against the functions of the NPPF (paragraph 182). The 'light touch' approach to the assessments offers no certainty that development will happen and whether this will lead to the most sustainable outcomes for Warwick and Coventry districts.
33. These sites form the basis of the approach for growth in Policy DS10 (identified in MOD8). Given that these sites are proposed as important components of the Council's supply, only limited evidence has been submitted to support them. Lenco Investments considers that there are serious concerns over the Council's ability to justify a deliverable supply of housing.
34. Both of the strategic sites at Kings Hill and Westwood Heath are not supported by adequate levels of evidence and there is little evidence to demonstrate that a sufficient range of sites have been considered to determine the provision of growth around the south of Coventry.
35. It would be expected that sites of this size and significance would be supported by a comprehensive set of evidence, which is current missing from the newly proposed sites.
36. In the absence of this, there can be no certainty that the sites can be delivered at the rates expected by the Council and, as Lenco Investments has identified, there are serious physical constraints on the proposed allocations which may inhibit growth from coming forward.
37. The Local Plan is the main vehicle to promote a number of significant allocations adjacent to the Coventry boundary with the explicit function of meeting Coventry's need. This area of the Local Plan is seriously wanting and further work needs to be undertaken to first determine whether additional growth should be located adjacent to Coventry, before the Council identifies additional options for growth.

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

No, I do not wish to participate at the oral examination

Yes, I 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:

- RPS has presented a number of objections to the Proposed Modifications and would like the opportunity to discuss these matters in more detail.

Continue on a separate sheet if necessary

Please note: This written representation carries the same weight and will be subject to the same scrutiny as oral representations. The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

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:

Tim Watton

Date:

21 April 2016

Copies of all the comments and supporting representations will be made available for others to see at the Council's offices at Riverside House and online via the Council's e-consultation system. Please note that all comments on the Local Plan are in the public domain and the Council cannot accept confidential objections. The information will be held on a database and used to assist with the preparation of the new Local Plan and with consideration of planning applications in accordance with the Data Protection Act 1998.

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