

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)
Title		Mr
First Name		Oliver
Last Name		Bell
Job Title (where relevant)		Principal Planner
Organisation (where relevant)	CEG	Nexus Planning
Address Line 1		Suite A, 3 Weybridge Business Park
Address Line 2		Addlestone Road
Address Line 3		Weybridge
Address Line 4		Surrey
Postcode		KT152BW
Telephone number		01932 837850
Email address		o.bell@nexusplanning.co.uk

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" value="Policy DS NEW 2"/>
Mod. Number:	<input type="text" value="22 and 23"/>
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 No

5.2 Sound? Yes No

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 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.

Please see attached comments.

Continue on a separate sheet if necessary

8. 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.

Please see attached comments.

Continue on a separate sheet if necessary

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.

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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:

As the landowner of a substantial proportion of the safeguarded land 'S1', it is essential that we are able to attend and speak at the Examination.


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:



Date:

21/04/2016

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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Land south of Westwood Heath Road

Representations to Proposed Modifications to the Publication Draft Warwick District Local Plan (Part 1)

on behalf of CEG

April 2016

Policy DS NEW 2 'Safeguarded Land'

- 1.1 The following representations have been prepared by Nexus Planning Ltd, on behalf of CEG, in response to the Warwick District Council (WDC) Regulation 19 Consultation on Proposed Modifications to the Local Plan (Part 1).
- 1.2 CEG controls around 129 hectares of land south of Westwood Heath Road, identified in part in the emerging Plan as Safeguarded Land (site ref. S1). We consider that site S1 could deliver circa 900 dwellings, with further development capacity on land to the south, as advocated in the Westwood Heath Garden Suburb Vision and Technical Annex (Appendix 1).
- 1.3 Site S1 falls within parcel C20 of the Joint Green Belt Study 2015 which scored a relatively low 13/20 in the study, suggesting that it only played a limited role in fulfilling the purposes of including land in the Green Belt. Parcel C20 does however cover a substantial area, with site S1 making up a small portion of it. Appendix E of the Westwood Heath Garden Suburb Technical Annex includes an assessment of site S1 against the Green Belt assessment methodology used in the Joint Green Belt Study, concluding that site S1 only scores 9/20 and clearly demonstrating that this parcel wholly fails to fulfil the five purposes of including land in the Green Belt.
- 1.4 The emerging Local Plan is proposing to accommodate 5,976 dwellings relating to Coventry's unmet needs, but it only proposes to allocate 2,225 dwellings on the edge of Coventry i.e. less than 50%. This is not due to a shortage of available land, with site S1 only safeguarded. Indeed, the Council's Distribution of Development Strategy Paper highlights that a *"number of substantial sites on the southern edge of Coventry have been submitted through the SHLAA"* (para. 23).
- 1.5 As detailed in our representations to various policies, CEG consider that the Council should allocate both H42 and S1 as a single strategic allocation, with a restriction on dwelling delivery in advance of the required highway interventions being delivered. It is considered that this is fully consistent with the NPPF and would provide a much more logical and robust framework for the comprehensive planning of the area.
- 1.6 The NPPF is clear at paragraph 47 and footnotes 11 and 12, that local planning authorities should identify five years supply of 'deliverable' housing sites (plus the appropriate buffer), plus a supply of specific 'developable' sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15. The Council consider that the allocation of 425 dwellings at Westwood Heath (site ref. H42) is deliverable and accordingly identify that it will deliver dwellings within the first five years of plan period. Similarly up to 425 dwellings at land south

of Westwood Heath Road (site S1) would also be deliverable. There appears to be no compelling policy justification for identifying H42 in preference to S1 and indeed an acknowledgement from the Council that residential development can be accommodated on S1 without any adverse impact on amenity (see above).

- 1.7 It is however important to note that the current restriction on housing delivery in the Westwood Heath area is derived from the findings of the WDC Strategic Transport Assessment (STA) (February 2016) which considered four different development scenarios for housing at Kings Hill and Westwood Heath. The STA identifies that for 'Scenario One' (425 dwellings at Westwood Heath and 1,050 dwellings at Kings Hill) the highway network would operate within capacity. 'Scenario Two' would however lead to overcapacity issues at Crackley Lane and Gibbet Hill Road through the cumulative impact of 850 dwellings at Westwood Heath and 2,100 dwellings at Kings Hill. All other scenarios also generate highway capacity issues.
- 1.8 Having regard to the conclusions of the STA, the emerging Local Plan identifies that 2,225 dwellings can be accommodated on land south of Coventry (at Kings Hill and Westwood Heath) without significant highway interventions. Kings Hill is expected by the draft Plan to deliver the majority of this capacity, being allocated for 1,800 dwellings within the Plan period. The Council's housing trajectory identifies that Kings Hill will deliver 200 dwellings per annum between 2020/21 and 2028/29, the highest annual delivery rate of any single site allocated within the Local Plan. This demonstrates the significant reliance of the draft Plan upon Kings Hill to achieve its overall housing requirement.
- 1.9 In light of the above, the STA failed to consider scenarios comprising a more equitable distribution of housing between Westwood Heath and Kings Hill. This would enable a reduced reliance upon any single site for housing delivery and limit the risk that the housing trajectory is not realised. Such an approach would be entirely logical, given a review of Census travel to work data shows that future residents of both developments are likely to have similar destinations of travel and as a result, development at both sites will cumulatively generate the capacity issues identified (principally at Crackley Lane and Gibbet Hill Road). Furthermore, a more even distribution of housing across Westwood Heath (sites S1 and H42) and Kings Hill, with similar dwellings limits for highways infrastructure delivery, could enable a more co-ordinated and multi-developer led approach to the delivery of the required highway interventions, providing greater certainty on delivery.
- 1.10 It is therefore clear that at this present point in time, at least 425 dwellings in the Westwood Heath area could be defined as deliverable. Additional capacity could however meet the definition of 'developable' as set out at footnote 12 of the NPPF, and shown below:

- **Sites should be in a suitable location for housing development** – land south of Westwood Heath Road is defined as safeguarded land, demonstrating that the Council consider it to be a suitable location for housing development. Site H42 is already allocated for housing development and therefore clearly deemed a suitable location for housing. The site would therefore meet this test.
- **There should be a reasonable prospect that the site is available** – CEG controls the majority of land falling with the area of safeguarded land and other landowners have confirmed their land is available for development. It is therefore clear that there is a **reasonable prospect** the wider site (encompassing H42 and S1) is available for development.
- **There should be a reasonable prospect that the site could be viably developed** - the only physical constraint identified relates to highway capacity issues. CEG is in active discussions with WCC Highways and CCC regarding the proposals for the required highway interventions, linking the A46 to the A452. WCC have instructed consultants, WSP, to examine new highway alignments as part of a detailed highway design exercise. CEG control a large part of the land required to facilitate the delivery of the required highway interventions and are also liaising with other key stakeholders in the area, including Warwick University. Furthermore, in a recent report to the Council's Executive on 6th April 2016, a draft 'Vision' for land south of Coventry was published, detailing that collective agreement on funding arrangements for the required infrastructure (including the link road) will sought to be achieved within 12 months. It can therefore be concluded that there is a reasonable prospect the highway interventions could be delivered within the Plan period. Allocating (rather than safeguarding) site S1 would provide much greater certainty in terms of funding the highway intervention and importantly, this certainty would be further enhanced should H42 and S1 be combined as a single allocation as the cost of delivery would be shared, thus strengthening development viability.

1.11 Given the above, a wider allocation of 1,500 dwellings on sites H42 (circa 600 dwellings) and S1 (circa 900 dwellings) would accord with the NPPF by comprising a first phase that would be classed as deliverable (at least 425 dwellings) and further phases (up to 1,075 dwellings) that would be classed as developable. The Council do not require delivery of the entire allocation within the Plan period to meet its latest housing delivery targets but in our view there is a 'reasonable prospect' that it will deliver significantly more than the 425 dwellings, with further delivery beyond the Plan period following the implementation of the link road – which will be generally dependent upon developer funding This is particularly relevant in light of the currently unplanned, but identified, unmet housing need (according to the MoU) that

Warwick District is expected to accommodate in the two years after 2029 (i.e. the end of the plan period).

1.12 Not only would this approach enable the Council to maximise opportunities to allocate additional housing in the most sustainable locations (in response to CCC's unmet needs), it would also offer the fundamental benefit of enabling a more comprehensive approach to developing Westwood Heath, providing greater certainty on infrastructure delivery and improved masterplanning opportunities.

1.13 In addition, it is clear that the Council support a comprehensive approach to development, noting that infrastructure requirements for site allocation H42 should be:

“quantified in the context of the development of this allocation and the potential wider area over the long term.”

1.14 This is further emphasised in the Council's recent report to Executive on 6th April 2016, which stressed the importance of a comprehensive masterplanning approach to both allocated sites and future development requirements.

1.15 We wholly endorse the comprehensive planning approach, but it would, in our view, be impossible to adopt such a strategy in the absence of any definitive understanding of land-use allocations that will impact on infrastructure needs. It cannot therefore be correct to require an allocation (site H42) to quantify infrastructure needs of a yet unidentified planning policy allocation (site S1) or require Section 106 contributions beyond impacts associated with H42, having regard to the CIL Regulation 122 tests and paragraph 204 of the NPPF. This reinforces our argument that H42 should come forward comprehensively with S1, where impacts and mitigation can be comprehensively addressed in the interests of good long term planning.

1.16 Whilst we support the spirit of what the Council is trying to achieve, we are concerned that it will result in piecemeal development and will put a much greater financial burden on later phases of development to the south of Westwood Heath. The 425 dwelling allocation will only have to mitigate its own impacts in terms of social, education, community and highway infrastructure and in all likelihood result in the vast majority of infrastructure provided off-site. This would also result in the costs of more strategic enabling infrastructure (such as the new road) being funded by a smaller development, thus potentially prejudicing delivery and the longer term plans and vision for the area. The alternative approach of comprehensively planning H42 and S1 would require the cumulative impact to be assessed and mitigated by the comprehensive scheme on a pro-rata basis giving greater certainty on the delivery of the

new link road and other important community infrastructure, potentially securing more of the latter on site.

- 1.17 It is noted that Policy DS15 'Comprehensive Development of Strategic Sites' requires a Development Brief for site allocation H42 and safeguarded land S1 but for the reasons already outlined above, it is not possible to see how this could be adequately achieved or required. Further details in this regard are however set out in our specific representations to Policy DS15.
- 1.18 The Council's current strategy is therefore likely to result in multiple housing schemes planned and delivered in isolation, which clearly is not in the spirit of the emerging policy and associated supporting text. The only way to secure a comprehensive scheme is to allocate both sites and require the production of a Supplementary Planning Document (SPD) to establish key masterplanning principles infrastructure delivery and phasing.
- 1.19 Given the above, we consider that Policy DS NEW 2 "Safeguarded Land" of the emerging Plan is not 'justified' by failing to be the most appropriate strategy to meet the growth needs south of Coventry, nor it is 'positively prepared'.

Suggested Change

- 1.20 Safeguarded land S1 should be allocated for residential development and combined with site H42 (via Policy DS11) to form a single housing allocation of up to 1,500 dwellings, with at least 425 dwellings to be delivered within the plan period.

**APPENDIX 1 – WESTWOOD HEATH GARDEN SUBURB VISION DOCUMENT AND
TECHNICAL ANNEX (SEE SEPARATE ATTACHMENT)**