

27<sup>th</sup> July 2020

Bishop's Tachbrook Neighbourhood Plan  
Gaydon Fields Farm  
Gaydon  
CV35 9HF

**By email only:** [planningpolicy@warwickdc.gov.uk](mailto:planningpolicy@warwickdc.gov.uk)

Dear Sir/Madam,

**Bishop's Tachbrook Regulation 16 Consultation Draft  
Former Sewage Works, Harbury Lane, Leamington Spa**

**Introduction**

On behalf of our client, Northern Trust, we write to provide representations to the Regulation 16 Consultation Draft of the Bishop's Tachbrook Neighbourhood Plan.

Northern Trust are working on behalf of MLPL Ltd to deliver residential development on the former sewage works site which forms part of the wider residential allocation to the south of Harbury Lane. A planning application for residential development of this site is being prepared with the aim of submitting this to the Local Planning Authority later this year.

**Comments on the Bishop's Tachbrook Neighbourhood Plan**

The following provides comment on the draft Bishop's Tachbrook Neighbourhood Plan (BTNP). At the outset, Northern Trust would like to highlight their support of the Neighbourhood Plan (NP). To ensure that the basic conditions for the Neighbourhood Plan is met, the following provides representations on specific policies as detailed in the following paragraphs.

***The Neighbourhood Plan Area***

Before moving on to comment on specific draft policies, we would like to highlight that there appears to be some confusion within the documents published on the Warwick District Council website as part of this consultation. The map entitled 'Bishop's Tachbrook Designated Neighbourhood Plan Area'<sup>1</sup> is dated 2012 and appears to be a superseded version of the Neighbourhood Plan area, noting that it does not match the area defined within the draft Neighbourhood Plan or through the 2017 Neighbourhood Area Decision Notice. Given the significant differences in the areas marked on the plans, we ask that this matter is rectified as soon as possible given that this confusion could result in residents not commenting on the draft plan thinking it did not cover the area where they live.

***Policy BT1 Conserving and Enhancing Bishop's Tachbrook's Landscape Character***

Whilst part 'e' of draft Policy BT1 has been amended following our previous comments, our concerns with the policy remain.

At the outset, and as highlighted in our previous representations; the majority of the protected views look towards the H02 (Harbury Lane) allocation. The wording of Policy BT1 does not take into account the allocation nor the scale of development which is coming forward and still to come forward in this area. The revised policy wording in this draft does little to resolve this issue by suggesting that the

<sup>1</sup> [https://www.warwickdc.gov.uk/downloads/file/1505/bishops\\_tachbrook\\_designated\\_neighbourhood\\_plan\\_area](https://www.warwickdc.gov.uk/downloads/file/1505/bishops_tachbrook_designated_neighbourhood_plan_area)

quality and integrity of these views should be retained and where necessary an LVIA should be carried out to identify any impact and seek to incorporate measures which minimise these impacts.

Whilst the intention of the policy has been made slightly clearer with the amendments, the failure to provide any justification for the protection of these views remains a key issue for the policy. In this regard whilst there have been some changes to the 'Protected Views' from the previous draft, with the removal of some previously identified views<sup>2</sup> and the addition of several more, the policy and its supporting text provides no further information on these views.

As such, the Neighbourhood Plan still fails to provide any justification or reasoning as to why these specific views have been protected and furthermore, how these protected views are actually viewed. From a review of the amended protected viewpoints, it appears that three views relate to a public right of way (W105) however the remaining 4 views are located either in the middle of an agricultural field (away from any public right of way), along Tach Brook, or from the corner of what appears to be a private garden. This is an important consideration given that the policy is seeking the preparation of an LVIA which considers the impact on these views, something that might not even be possible to carry out, given that the majority of the viewpoints are taken from what appears to be private and inaccessible land.

In addition to the lack of clarity or justification on these viewpoints, the NP fails to provide information within the draft policy which could guide a decision maker to determine whether a view has been affected, or how it could be protected. This is a matter which was raised within the Examiner's Report to the previous abandoned version of the Neighbourhood Plan where the Examiner stated that:

*"The Policy Refers to "Protected Views." There is no "Protected View" policy in the Neighbourhood Plan. Notwithstanding this there is no substantive information detailing the various views listed in the supporting text. Views can change on an hourly, daily or season basis. They can change with the weather. There is insufficient evidence, either in the Neighbourhood Plan, or the supporting information, to judge how, or whether, a view would be "affected" by a proposed development. Consequently, Policy BTRE3 C) does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework."*

Clearly these issues have still not been resolved and whilst Paragraph 154 of the 2012 NPPF has been replaced, Paragraph 16 part d of the 2019 NPPF makes a similar conclusion, highlighting the need for policies to be; "unambiguous, so it is evident how a decision maker should react to development proposals". Noting that the Examiner required the deletion of the previous policy, which dealt with the protected views on the grounds that it failed to meet the basic conditions, the only logical conclusion is that the policy as currently drafted will also fail to meet the basic conditions.

Given this, Northern Trust suggest that if the suggested 'protected views' are to be retained in the plan, their location should be properly reviewed and justification provided that clearly sets out their importance as protected views, why they should be protected and how they are reviewed. Unless this is provided, the policy will not give any clear indication as to how the decision maker should react to development proposals in relation to these views and will fail to meet the basic conditions.

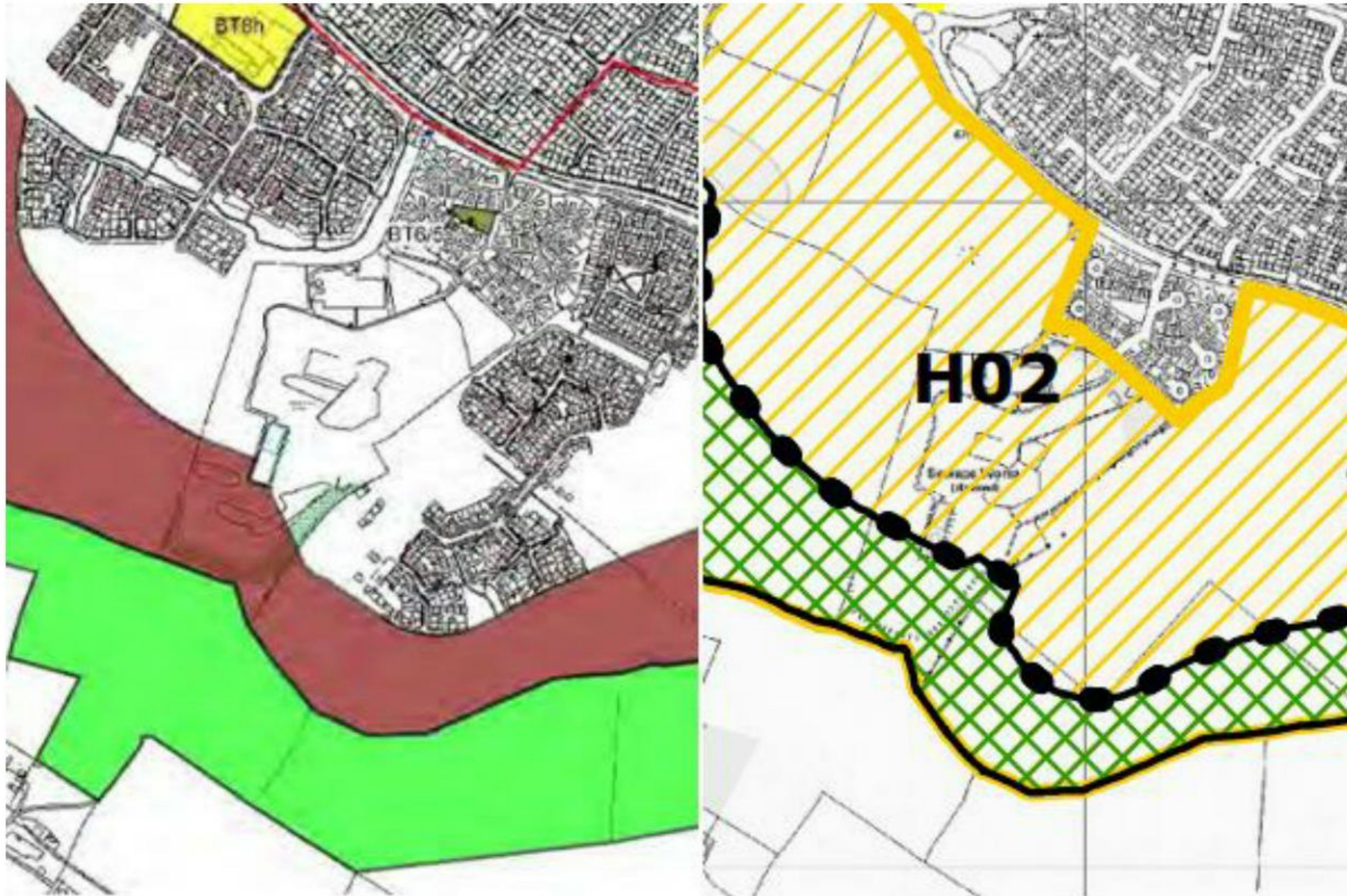
### **Policy BT2 Tachbrook Country Park**

As set out in Northern Trust's previous representations, the Country Park boundary illustrated on the Policies Map (Map 2) still does not match the adopted Local Plan Proposals Map in relation to our client's land interests. This is illustrated below in Figure 1.

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<sup>2</sup> PV1B, PV1C, PV1E and PV1F

**Figure 1- Neighbourhood Plan (draft) Policies (left) and Local Plan Proposals Map (right)**



The Basic Conditions statement suggests that this policy, and the map that supports it, has been drafted to accord with Policy DS13 of the Warwick District Local Plan. However, this is clearly not the case given the differences in the extent of the Country Park area at Map 2 which shows part of the H02 housing allocation included within the Neighbourhood Plan Country Park area. This is a clear departure from the strategic allocation and as such fails to meet the basic conditions.

In order for the plan to meet the basic conditions, the Country Park area on Map 2 should be amended to accord with the adopted Warwick Local Plan Proposals Map.

**Policy BT5 – Improving Accessibility for All**

Northern Trust welcome the amendments which have been made to the policy since the previous draft and support the aims and objectives of the Policy.

**Policy BT12 - Securing a Suitable Mix of House Types, Tenures and Sizes in New Development**

Given the area is covered by the Neighbourhood Plan and there existing housing allocations within this area, Northern Trust are concerned by the draft policy requirement for new housing developments to be informed by, and demonstrate how they have met the needs of, the most up to date Parish Housing Needs Survey.

As highlighted in our previous representations, the Neighbourhood Plan area now includes a significant new area of new housing development outside the village, on the edge of Leamington Spa (Local Plan allocation H02). Whilst this new population falls within the parish (and Neighbourhood Plan) boundary, it is clearly better related to Leamington Spa than Bishop's Tachbrook village. Given the separation between the village and the new development being delivered, it is likely that housing needs may be different between residents in the village and the new and existing development around Harbury Lane. As such, it is questionable whether these differences are actually picked up in the housing needs survey and whether it actually reflects the housing needs of the whole Neighbourhood Plan area.

In this regard it is appreciated that a new Housing Needs Survey Report has been prepared since the previous consultation draft was published.

The survey highlights the issues and split across the Neighbourhood Plan area which highlights the various locations where respondents lived within the Parish. The majority of respondents (66.7%) lived within Bishop's Tachbrook village, with 30.2% of respondents living within and on the edge of Leamington Spa, including within the new developments south of Harbury Lane. It is unclear if this split in responses is actually representative of the population within the area and where they live.

Nevertheless, it is noted that the survey actually only identifies the housing needs of the entire neighbourhood area, on the basis of 54 respondents who stated that this area had a need for housing. Given the negligible sample size, it is questionable whether this represents a statistically reliable basis from which all future housing applications should be based. In addition, the household needs survey does not differentiate between those living within the village, and those living on the edge of Leamington Spa therefore making it impossible to understand whether local housing needs differ across the Neighbourhood plan area.

If the housing needs identified within the housing survey are going to inform future applications, and depart from the identified needs set out in Local Plan Policies H2 and H4, then it is important that the evidence that the Policy relies upon is robust and accurately reflects the housing needs of the parish, including any differences that may exist in different areas of the parish. Until such time that the evidence supporting this policy is able to do this, the Policy fails the basic condition of being in general conformity with the Local Plan.

### ***Policy BT13 – Responding to Climate Change***

The first part of the policy places significant requirements on all new build properties within the Neighbourhood Plan area to exceed any national or local planning or building control standards which includes a requirement for all new build properties to be carbon neutral and include a wide range of technologies. It is telling that the Basic Conditions Statement does not consider this policy against the most relevant policies of the adopted Local Plan, with the statement only considering it against Local Plan BE1 which deals with Layout and Design. However, noting the theme of Policy BT13 is climate change, it is surprising that the Basic Conditions Statement makes no reference to the specific policies within the Local Plan which refer to climate change (Policy CC1 Planning for Climate Change Adaptation, Planning CC2 Planning for Renewable Energy and Low Carbon Generation and Policy CC3 Buildings Standards and Other Sustainability Requirements). These policies are clearly of more relevance to Policy BT13 and is therefore that conformity must be considered against.

The principal conflict is with Policy CC3, which only requires new residential development (over a certain scale) to achieve as a minimum BREEAM standard 'very good' (or any future national equivalent). Clearly this is some way short of delivering all new properties as carbon neutral, recognising the impact greater standards can have on the viability of new housing development.

Whilst the aims of the policy generally accord with the Local Plan and NPPF, clearly the setting of significantly higher standards for new development, without any evidential basis to justify or suggest that an approach is deliverable (as discussed below), clearly represents a conflict with the Local Plan and cannot be considered to meet the basic conditions.

The requirement for all new builds to be carbon neutral and to deliver significant technology would come at a significant cost and would undoubtedly affect the viability of new developments, thereby either preventing developments from being brought forward or requiring developments to provide reduced levels of affordable housing, financial contributions and even the payment of CIL levies. This is particularly the case for development on brownfield sites such as the former sewage works site which will require remediation works to enable the delivery of new homes. As such, the failure to prepare evidence to support the suggested carbon neutral requirement could result in other Neighbourhood Plan policies being undermined.

We trust the above representations are clear, but should you have any questions please do not hesitate to contact me. Otherwise, we would appreciate it if we could be informed of any future Neighbourhood Plan Consultations using the contact details provided below.

Yours sincerely

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Kate Lowe  
**Senior Planner**

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cc. Northern Trust  
Jonathan Burns (Pegasus Group)