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RPC ref: TEN01-LTR-01

Your ref: ID Reference 80 &

ID Reference 81

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Warwick District Council
Riverside House
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CV32 5HZ

Dear Sir or Madam,

Radford Semele Neighbourhood Development Plan (Regulation 16 Consultation)

Representations by Tenneco (formerly Federal-Mogul Limited – ID References 80 & 81) in objection to NP Policies RS6(f) and RS12

These representations are submitted on behalf of Tenneco (formerly Federal-Mogul Limited) and should be read alongside its representations to the previous draft Neighbourhood Development Plan. Please update your records to reflect the company change of name and also to note the change in its agent to RPC Planning (formerly DPP).

Representation to NP Policy RS6(f) and Appendix 3

Objection

The minor modifications to Policy RS6 with specific reference to part (f) Key Views and Appendix 3 fails to address the objections and representations made previously by Tenneco (formerly Federal-Mogul Limited – ID Reference 80).

In addition to maintaining the unaddressed objections on a failure of part (f) to be positively prepared, justified or effective in absence of an adequate evidence base, six further points are made arising from the revised draft Plan, consultation evidence and responses.

1. Consultation Statement, (p45-46, ID reference 80), states in the NP Committee Action response that; *“A separate document has been produced to demonstrate how final views were chosen from a larger number.”*[my emphasis added]. No document has been provided as part of the consultation either appended or cross-referenced to a library of supporting evidence. It is noted that in response to representations of WDC, (ID reference 86, p57), the same commitment is unfulfilled to produce a document that would; *“show how the views were decided.”*
2. Failure to provide the document per Point 1 alongside the Regulation 16 consultation denies an opportunity to review and respond on the approach, methodology and findings. The Inspector is requested to secure provision of the document and to allow an appropriate opportunity for consultation before holding the Examination.
3. Policy RS6 has been revised to state in opening; *“Any new development must protect, conserve and enhance the area’s landscape character.”* It is difficult to understand how any development can comply with all three requirements when development by its nature must lead to change. The policy is ineffective and cuts across several parts of the Framework recognising the importance and positive aspects development can bring per Framework paragraph 127 and a need to protect landscapes in a manner commensurate with their statutory status or identified quality in the development plan, paragraph 170(a).
4. Inserted commentary at (renumbered) para.6.21 states that the key views were *“... presented for comment to residents at the consultations, with many making formal or informal comments to the committee. [And] The Senior Planning Officer (WDC) felt we needed to concentrate on the most important local views.”* Neither statement provides any additional detail on how the views were selected, (per Point 1). Indeed, reference to selection being partly down to informal comments made to committee members reinforces concern that this process was neither rigorous nor robust. It is a further concern that WDC (ID reference 86) advice is noted in the process yet when formally consulted it still had significant criticism of the approach which remain unaddressed, (Consultation Statement, p57).
5. No change is made to Policy RS6 under advice by Kirkwells despite the clear concern expressed by WDC (ID reference 86) that such policies are; *“... often challenging, and have*

been resisted by WDC in other neighbourhood plans across the district.” (Consultation Statement, p57). WDC indicates a strong concern the policy is unworkable and as such it is inconsistent with the approach it would take in a development management decision. As such it is disputed that part RS6(f) can be considered in conformity with WDLP Policy NE4 as set out in the Basic Conditions Statement (p18).

6. WDC (ID reference 86) exemplifies its concern on how policy RS6(f) will operate as a development management policy with reference to View 5 at Spring Lane, and how the view may be significantly altered by the development of housing allocation H03 in the local plan, (Consultation Statement, p57). Moreover WDC continues its strong concern on how the policy will effectively operate in stating, *“I note the accompanying text in paragraph 6.20, [renumbered 6.21] that it is not the intention of the policy to preclude development, however it is difficult to foresee how the policy might be interpreted in practice to ‘retain the overall qualities of the views.’”* How indeed? The concern of WDC is fully echoed in this representation and it is disappointing that no amendment or indeed response other than to note WDC’s position has been made. Ignoring a clear and present concern on how a policy may effectively operate is the antithesis of good plan-making.

Tenneco continues to reserve its right to make further representation at Examination on the above points and previously made representations, and on any documentary evidence should it be produced on how the methodology to determine the key views.

REMEDY: On the basis of the presented draft NP Policy RS6 it is consider the only effective remedy to ensure a sound plan is the deletion in full of RS6 part (f).

RS12 and Policy Map 8

Objection

Tenneco (formerly Federal-Mogul) maintains its previously submitted representations, (ID Reference 81), that Policy RS12 and Policy Map 8 is unsound and should be revised to omit its land off Spring Lane (see Plan DPP1 and proposed revised Area of Separation as Plan DPP3 as Documents A and B to this letter).

Response by Kirkwells to the previous representations, (Consultation Statement, p49-50), refers to a concern that to remove the land would prejudice a future site allocation process to identify future housing land (i.e. post 2029) and undermine the integrity of a future area of search. This statement and its conclusion are strongly opposed.

The area of land at Spring Lane is the only remaining parcel identified below 'High sensitivity' to housing development around Radford Semele that is not either developed or consented for development in the referenced evidence of the Landscape Sensitivity Assessment (April 2014). The proposed Area of Separation designation must inform the baseline for a future area of search for housing as an existing plan designation. The corollary being it increases the likelihood that post-2029 development needs are directed to landscapes of greater sensitivity and lead to greater harm, which prejudices an evidenced based outcome.

Previous representations set out the basis upon which WDC promoted the site for housing in preparation of the WDLP as former site H52. Its removal from the adopted plan was not because of any inherent site-specific necessity to retain the land as part of an Area of Separation, but because of a revision to housing requirement for Radford Semele. Specifically, the Local Plan Inspector noted that had the site been retained its development would have a *'limited effect on the gap to Sydenham'* (Inspector's Report paragraph 338).

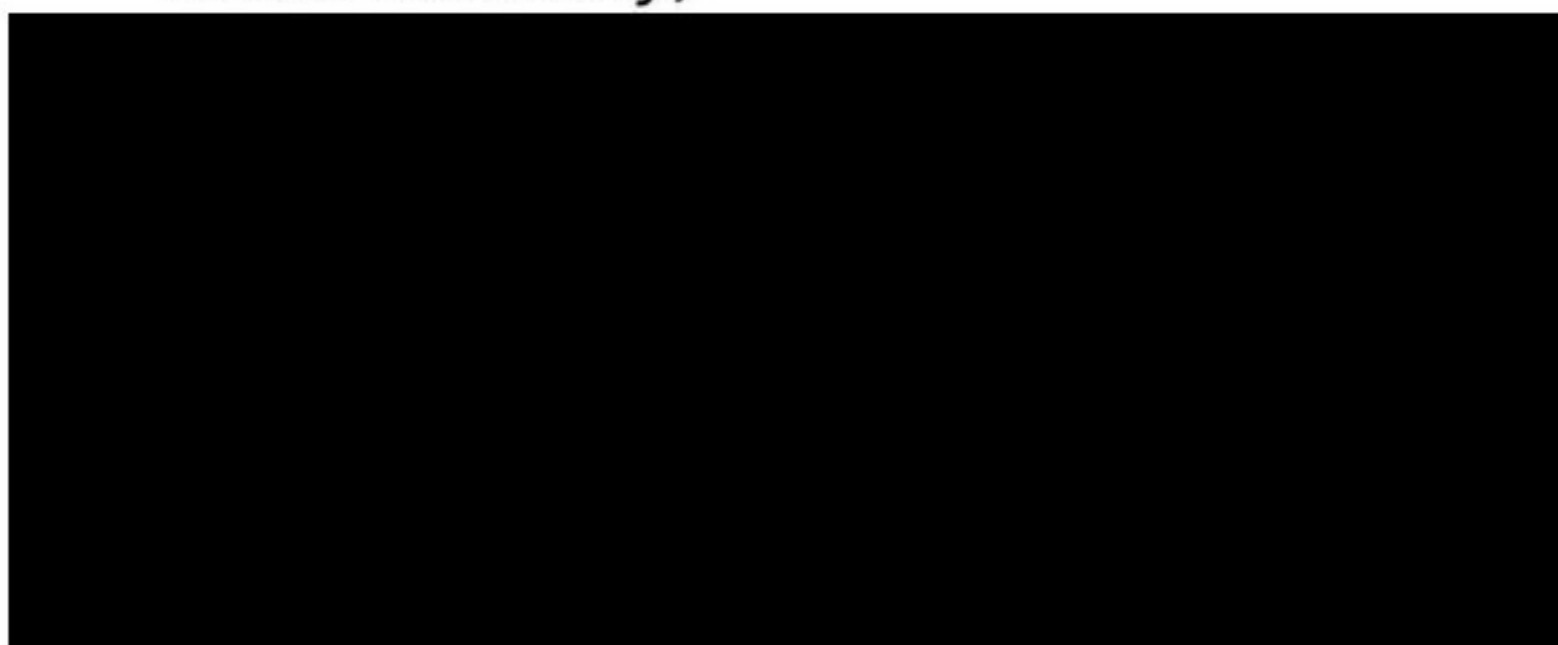
It remains the case in the Draft NP that no new evidence has been presented to justify the inclusion of the land in the Area of Separation. Indeed, it remains the case that the only relevant available and referenced evidence – the Landscape Sensitivity Assessment (April 2014) – identifies the site as an area of 'High/Medium sensitivity' to housing development. This is the same sensitivity of the land to the north now under-construction for housing by AC Lloyd, (permission W/14/0433). This is a lower level of landscape sensitivity than all land to the west and to all other parcels of land around the settlement boundaries identified in the Assessment with exception of those since permitted or developed for housing.

In allowing the housing development to the north (AC Lloyd site – Appeal PINS reference 2221858), the Inspector directly considered the previous Local Plan policy relating to an Area of Restraint (AoR) which the housing area and the land to south formed part of – and in so doing the evidence of the Landscape Sensitivity Assessment. The Inspector concluded that the site did not play a valuable role in preventing coalescence within the AoR (paragraph IR29), and at IR30 stated that, *“The principle of the AoR is clearly important and any coalescence would be seriously harmful to the character and identity of Radford Semele as well as to the landscape quality of the valley, but that is not the case here.”*[Copy of the appeal decision 2221858 provided as Document C]

The site remains the best available future housing site to meet post-2029 needs as a sustainable extension to the AC Lloyd site. It serves no purpose to maintaining the integrity of a strategic gap to Sydenham (a ‘limited effect’). Its designation as part of the AoS will undermine and prejudice the area of search process that will need to be undertaken for the next plan which must be in place by 2029. And its future housing development alongside the AC Lloyd site will not lead to coalescence.

REMDEDY: The site identified on Plan DPP1 should be removed from the Area of Separation and the policy boundary revised to that shown on Plan DPP3.

Yours faithfully,



Richard Purser
Director, RPC Planning



Enc.	Document A	Plan DPP1
	Document B	Plan DDP3
	Document C	Appeal Decision letter 10 th March 2015 (PINS ref. 2221858)