



WARWICK DISTRICT COUNCIL

LOCAL PLAN – PREFERRED OPTIONS

MAY 2012

REPRESENTATIONS ON BEHALF OF GALLAGHER ESTATES LIMITED

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1. INTRODUCTION

1.1 Pegasus Planning Group is instructed by Gallagher Estates Limited to submit representations in respect of the Warwick District Council Local Plan – Preferred Options consultation document dated May 2012. In particular, we are proposing the allocation of land for development in accordance with the Background Document we have produced in support of these representations. We have also produced a Housing Evidence Base Review Paper which is appended to these representations. Making our representations we are mindful of prevailing Government policy, especially the National Planning Policy Framework and the Ministerial Statement by Mr Greg Clark, called Planning for Growth, dated 23 March 2011. We are also mindful of the statutory requirements set out in the Localism Act 2011.

1.2 The National Planning Policy Framework (NPPF) was published in March 2012. It sets out that the purpose of the planning system is to contribute to achieving sustainable development. The Government has included in the NPPF a set of core land use planning principles at Paragraph 17, which should underpin both plan making and decision taking. Among these principles it is set out that planning should:

“Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing business and other development needs of an area, and respond positively to the wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities.”

1.3 In respect of housing development, Section 6 of the NPPF is entitled “*Delivering a Wide Choice of High Quality Homes*” and sets out the following at Paragraph 47:

“To boost significantly the supply of housing, the Local Planning Authorities should:

- Use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the Plan Period”*

1.4 In particular the NPPF at Paragraph 179 states:

“Joint working should enable Local Planning Authorities to work together to meet development requirements which cannot wholly be met within their own areas – for instance, because of a lack of physical capacity or because to do so would cause significant harm to the principles and policies of this Framework”

1.5 In addition at Paragraph 182 of the NPPF a fourth test of the soundness of the Local Plan has been introduced, namely that it is:

*“ - **Positively Prepared** – the Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring Authorities where it is reasonable to do so and consistent with achieving sustainable development”*

1.6 Following the budget in March 2011, which set out The Plan for Growth, a written ministerial statement was published by the Minister for Planning, Mr Greg Clark, entitled “Planning for Growth”. This statement is not one of the policy documents that has been superseded or revoked by the NPPF. The statement makes clear that the planning system should do everything it can to help secure a swift return to economic growth. In particular he states:

“Local Planning Authorities should therefore press ahead without delay in preparing up to date Development Plans, and should use that opportunity to be proactive in driving and supporting the growth that this country needs. They should make every effort to identify and meet the housing business and other development needs of their areas, and respond positively to wider opportunities for growth taking full account of relevant economic signals such as land prices”

1.7 In addition, the NPPF at Paragraph 173 deals with ensuring the viability and deliverability of Local Plans. It states:

Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure

contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

We consider this to be an important test which should be applied to the policies in an emerging local plan. The cumulative effects of policies that place additional costs on developers need to be justified, and the potential to adversely affect viability and therefore deliverability must be addressed in evidence.

2. Part 1: Setting the Scene and Summary

- 2.1 We have noted in our Introduction what we consider to be the key issues of national planning policy and legislation which should underpin plan making including the preparation of the Local Plan for Warwick. We therefore consider there should be much greater reference to the National Planning Policy Framework (NPPF), the Localism Act 2011 and the Ministerial Statement, Planning for Growth, March 2011 included in the document.
- 2.2 We of course recognise that Government policy and legislation cannot alone be the key drivers of the Local Plan, and acknowledge that other strategies and the Council's Vision will necessarily underpin the process in Warwick. However, the omission of reference to national planning policy and legislation is we believe unfortunate and should be rectified. We note references under the heading of *"Our Vision for the District"* to facilitating and providing for growth both in respect of the local economy and housing needs. We support this forward looking stance on the District's part, however, we question the identification of a specific housing requirement, later contradicted in the Preferred Options document, of 550 new homes per annum on new allocated sites. It is inappropriate to include as part of the Vision which drives the Local Plan, a precise figure for one of the key components of the plan itself thereby raising concerns of a prejudicial approach to the process.
- 2.3 We also note under the heading of *"Environment"* that one of the Council's key principles is to avoid coalescence, presumably between settlements within the District, and this is a principle we would support and expect to see carried forward in terms of decisions on the spatial distribution of development. We also note the reference to new development being based on the principles of Sustainable Garden Towns, Suburbs and Villages. We consider this approach to be a bold and interesting proposition, but one which cannot at this stage be held up as a prescriptive means of determining future forms of development. There is much of interest in the accompanying Prospectus, dated May 2012 and entitled *"Garden Towns, Villages and Suburbs"*. However, we feel this document can be no more at this stage than a starting point for discussion on interesting ideas around urban design.
- 2.4 Under the section of the plan entitled *"The Local Plan Process"* we again would suggest that greater reference should be made to the NPPF, and in particular at this juncture to the Localism Act 2011 and the introduction of a duty to co-operate. The Local Plan would benefit from an explanation of the two elements of the duty to co-operate, firstly the issue of

legal compliance with provisions in the Localism Act 2011 itself, and secondly matters of soundness as set out in the NPPF.

- 2.5 The obligations regarding the duty to co-operate placed on the Councils are intended to ensure that with the impending abolition of the Regional Strategy tier of planning, some semblance of co-ordination and strategic planning is maintained. Section 33A of the Planning and Compulsory Purchase Act 2004, inserted by the Localism Act 2011, therefore requires local planning authorities to engage constructively, actively and on an ongoing basis in the preparation of development plan documents. It is also clear that compliance with this legal requirement cannot be undertaken retrospectively, and must be embedded in the process of plan making during the course of preparation of the Local Plan. We note a solitary reference at the end of Paragraph 5.12 to the fact that Warwick District Council will be consulting neighbouring authorities on its proposals, but do not consider this satisfies the legal requirements or the tests of soundness placed on the Council.
- 2.6 This is an especially pertinent issue in relation to Warwick District Council as it is clear now that both Coventry City Council and Solihull Metropolitan Borough Council is intending to plan for a level of new housing development which is very significantly lower than the needs arising in the City and Borough respectively. Indeed, the response of Coventry City Council in respect of consultation on the Preferred Options document suggest that homes being provided in Warwick District will meet some of the needs arising in Coventry. We are not aware that this is a formal agreement between the districts, as we have seen no evidence of proper co-operation in terms of strategic planning in the sub-region. It is also the case that Birmingham has openly acknowledged that it cannot accommodate all of the needs arising within its boundaries, and will be relying on new housing development to meet the needs of the City being provided in adjoining districts. The clearly established patterns of out-commuting from Warwick into Birmingham suggest that a proportion of the housing needs of Birmingham itself which cannot be met within its boundaries will need to be met within Warwick District. Whilst it is laudable that Warwick District Council is making timely progress on preparing a Local Plan, the duty to co-operate placed upon it in terms of the Localism Act 2011 and indeed Paragraphs 178 to 181 of the NPPF mean that due attention must be given to these matters in order to avoid any problems with the progression of the Local Plan through its Examination in Public. The current situation in Warwick regards the duty to co-operate is clearly an inadequate basis on which to allow this plan to move forward.

- 2.7 We note that at Paragraph 4.8 the Council identifies opportunities and issues that the District faces and the importance of the Local Plan addressing these. We agree with many of the issues identified, but consider that opportunities are not properly represented and greater reference should be made to the excellent locational benefits, strong demand for housing and robust local economy which can support growth of benefit not just to the area but to the sub-region and wider region. Under the heading 'Objectives' at Paragraph 4.9, we consider that amendment in particular to take account of the NPPF has not gone far enough. In particular, we consider that the overarching objective of the planning system should be recognised, namely helping to secure sustainable development. The Objectives section would also benefit therefore from a clear reference to the Government's view of the three dimensions to sustainable development set out at Paragraph 7 of the NPPF, namely that the planning system should perform an economic role, a social role and an environmental role. We believe these complementary roles are expressed in the objectives set out in the Plan, but they should be referenced more clearly to the NPPF and the achievement of sustainable development.
- 2.8 Under the sub-section Preferred Level of Growth, at Paragraph 5.1, we agree entirely that the Council should *"plan for a level of growth that is founded on the best evidence"*. Again there should be reference to the NPPF and in particular the requirements of Paragraph 159 with regard to planning for an appropriate level of housing growth, which meets the full needs of the District.
- 2.9 In this regard, the reference repeated at Paragraph 5.2 to an objective to support growth in the region of 550 new homes per annum is inappropriate as an issue or objective, as such a figure can only be derived once a clear understanding of the objectively assessed housing needs of the area has been explicitly set out. The need first to establish, based on robust evidence, what the objectively assessed housing needs of the area are is set out clearly in the recently published Inspector's Preliminary Conclusions with regard to the Bath and North East Somerset Core Strategy Examination. The Inspector, Mr Simon Emerson was clear that an objective assessment of housing needs and demands in the manner required by Paragraph 1.59 of the NPPF is an essential pre-requisite to considerations of how those needs should be met. He went on to say at Paragraph 1.11 of the annex to his Preliminary Conclusions that:

“The NPPF makes clear (e.g. [Paragraph] 47) that Local Plans should meet the full, objectively assessed needs for market and affordable housing. Even if it cannot do so because the exceptions in NPPF14 are met, needs must be objectively assessed so as to identify any unmet need that should be sought in adjoining areas.”

- 2.10 Pegasus Planning Group has separately submitted in support of these representations a Housing Evidence Base Review Paper which sets out in detail our view as to the deficiencies in the approach the Council has adopted to its evidence base on objectively assessed housing needs and demand.
- 2.11 We note references in Section 5 at 5.21 that the SHLAA demonstrates the levels of growth up to 700 dwellings per annum can be accommodated within the District in strategically sustainable locations. We are not persuaded, however, by the dismissal of this option on the basis of the cursory explanation that is contained in the final sentence of that paragraph. The onus is now clearly on Local Planning Authorities to demonstrate why sustainable development, including in greenfield locations, cannot be delivered in accordance with the NPPF to meet objectively assessed needs.
- 2.12 We also note that at paragraph 5.23 it appears the Council is assuming that delivery of a higher housing requirement annually will not be achievable because of the length of time that larger strategic sites take to come forward. The paragraph itself refers to the fact that some of these sites will take between 5 and 7 years to come forward, but there will remain 15 years in the Plan Period assuming adoption at 2014. In a District such as Warwick where we believe the housing market will be more robust than elsewhere in the West Midlands and potentially among the first to show any signs of recovery, a plan period to 2028 will be sufficient time for delivery from large sites necessary in order to meet objectively assessed housing needs. Fundamentally, we find the explanation of the choice of a housing requirement for Warwick unconvincing, and are not persuaded that there has been a proper balancing of the roles the planning system should play in delivering sustainable development. We consider that the references earlier in the document to a predetermined housing requirement may have influenced the evaluation of the appropriate levels of growth for which Warwick should plan.
- 2.13 In relation to the above it is clear that the current plan cannot be considered to be sound.

3 Part 2: Delivering Growth

7. Housing

- 3.1 Whilst we support the identification as a key issue at paragraph 7.4, *'the need to provide more housing to ensure that the needs of current and future residents are addressed'*, we disagree fundamentally with the preferred level of housing growth that Warwick has chosen to provide for, namely 10,800 new homes between 2011 and 2029, 600 new homes per annum. We have set out in an accompanying Housing Evidence Base Review Paper the reasons why we believe this figure to be inadequate and therefore cannot be said to represent objectively assessed needs. In that context therefore the proposal to provide for 10,800 new homes over the period 2011-2029 fails to accord with the requirements of the NPPF, particularly at Paragraph 47, to use an evidence base to ensure that the Plan meets the full objectively assessed needs for market and affordable housing in the housing market area.
- 3.2 The Council has chosen to produce a Strategic Housing Market Assessment solely for the District, and it would appear that the Council's assumptions are that this represents the housing market area within which it must meet objectively assessed needs. The alternative would be for Warwick District Council and other adjoining authorities to prepare a Strategic Housing Market Assessment which covers a wider area taking in a number of authorities and representing a sub-region approach to the distribution of housing growth. There is no evidence that this is taking place as set out in the NPPF, particularly Paragraphs 178 to 181. In the absence of a SHMA based on the HMA, there is no up to up to date and NPPF compliant evidence to indicate housing needs of the wider area and whether the needs of Birmingham, Solihull and Coventry should be accommodated at least in part at Warwick.
- 3.3 The preferred option, PO3: Broad Location of Growth should, we submit, be clearer about the focus for most growth being directed within and on the edge of the existing urban areas and the preference in the first instance for the location of development in areas outside the Green Belt. We support the identification of the importance of the need to avoid coalescence of settlements, and this is especially the case with regard to Green Belt land in accordance with Paragraph 80 of the NPPF.
- 3.4 We therefore think the identification of the broad location for growth as a preferred option would benefit from clearer prioritisation of the need: firstly to concentrate growth within and

on the edge of existing urban areas in locations outside the Green Belt; the importance of avoiding development within the Green Belt which closes the gap between existing settlements, and could potentially therefore lead to their coalescence; and, in accordance with these principles, the distribution of growth across the district. We acknowledge the importance of a proportionate amount of growth in the rural areas, based on a hierarchical approach to the suitability of rural settlements.

- 3.5 The Housing Evidence Base Review Paper sets out a review of the robustness and methodology of the SHLAA, and in addition we would urge caution about the use of windfall sites, particularly at the scale envisaged. Whilst the NPPF clearly indicates that local planning authorities can make an allowance for windfalls, it also states that they can only do so if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. No such evidence has been produced. In the absence of any evidence from the Council, it will not be justified in terms of Paragraph 49 of the NPPF to include a windfall allowance. We therefore expect that the Council will need produce the compelling evidence required in order to justify any windfall allowance, which must only apply to sites below the threshold for the SHLAA, and exclude garden land. We therefore have concerns that the Council is currently unable to demonstrate a supply of 3,814 dwellings. In addition, given that we disagree that the figure of 10,800 dwellings is an appropriate housing requirement over the Plan Period, we therefore believe that the balance of land to be allocated through the Plan is significantly in excess of the 6,986 dwellings indicated at Table 7.1.
- 3.6 In addition, we find the reference at the end of Paragraph 7.22 to the need to provide housing to support a “Regional Investment Site” in the vicinity of the A45/A46 junction near Coventry Airport inexplicable and inappropriate. It is indicated in Paragraph 7.22 that the over-provision which the Council believes it has made in respect of new housing will enable additional housing to be provided near Coventry Airport. We fail to see how this is the case, as the total of 8,360 is accounted for by other developments identified in Warwick District. Further housing release near Coventry Airport would therefore add to this total. We have seen no proposals with regard to the Coventry Gateway Proposal at Coventry Airport for new housing to be built in the Green Belt, either in Coventry or Warwick. If such a move is to be proposed through the Warwick Local Plan, this will clearly be to meet housing needs arising in Coventry, and we would expect to see it justified fully by evidence of joint working between the respective Authorities in order to meet unmet need arising in Coventry within the Green Belt in Warwick.

- 3.7 PO4: Distribution of Sites for Housing, proposes allocations for housing or mixed use development in order to deliver housing growth. We support the identification of land under the control of our client, as identified in the Background Document we have prepared to support these representations, as suitable for large scale housing growth over the duration of the plan period. However, we object to the restriction on the location of housing development by virtue of the exclusion of any land south of Harbury Lane. There is simply no evidence provided which supports the decision to allocate land in this manner and not to include all of the land identified as potentially suitable, achievable and deliverable in the Council's SHLAA 2012, the same assessment as other sites in this immediate area which have been included. We have included with our Background Document a clear and thoroughly justified proposal for the allocation of land which will lead to a sustainable form of development, making the most efficient and effective use of existing infrastructure and bearing a better relationship to the existing built form of this area of Warwick than that proposed in the Preferred Options document.
- 3.8 With regard to land north-west of Leamington Spa, namely north of Milverton and Blackdown, we do not support the allocation of these sites. We do not believe that the Council has demonstrated that the allocation of land on the north western edge of Leamington Spa is in accordance with PO3: Broad Location of Growth, and the Council's preferred option to avoid development in locations which could potentially lead to the coalescence of settlements. Preventing the coalescence of settlements is one of the purposes of including land in the Green Belt as identified in Paragraph 80 of the NPPF, and therefore proposing this location for growth would contradict both the Council's own preferred option and the NPPF in relation to the purposes of including land in the Green Belt.
- 3.9 Part of the evidence which informed the choice of the preferred option for the broad location of growth was a Joint Green Belt Study (January 2009). However, we conclude that the methodology and weighting carried out as part of this assessment has clearly failed to respect some of the key principles associated with the purposes of the Green Belt, in particular the need to prevent neighbouring towns merging into one another. It is therefore, we suggest, untenable to propose new housing development on the north-west edge of Leamington and south-east edge of Kenilworth narrowing the Green Belt gap between these settlements significantly. In addition, by the Council's own admission in paragraph 7.32 from the Preferred Options document, it is not following its own evidence base in

proposing the allocation of land at Blackdown which the Joint Green Belt Study suggested was not suitable.

- 3.10 The NPPF, at Paragraph 85, is clear that Green Belt boundaries should only be altered in exceptional circumstances. The proposed release of land to the north west of Leamington Spa in the Preferred Options document therefore cannot be justified unless exceptional circumstances have been clearly demonstrated by the Council. In particular, it is incumbent of the Council to produce evidence that there are no other options outside the Green Belt where sustainable development can be located. It is our contention that land our client controls to the south of Warwick is capable of delivering sustainable development in the manner set out in the Background Document, and should be allocated accordingly before locations in the Green Belt are considered.
- 3.11 In relation to all of the proposed urban extensions the Council's preference is for these to be developed in accordance with its emerging principles of Garden Suburbs. We are cautious about this approach at this stage, given the absence of any thorough appraisal of the proposals in the Council's documentation. We have reservations, for example, about the rigidity of the street patterns which will in many instances fail to take account of existing topographical features, hedges and other natural elements of landscape which should reasonably be accommodated in new development. In our view much more work needs to be undertaken in order to establish design codes for sites, and this is probably best achieved on an individual site basis, taking account of best practice with regard to urban design including what is currently a fashionable reference to garden suburbs.
- 3.12 The Council has set out a justification for its choice of a preferred option for the location of new housing. At paragraph 7.30 the Council expresses concerns about focusing 6,000 new homes in an area south of Warwick. We are not convinced of the soundness of any of the arguments put forward. The references to infrastructure and car journeys between the potential developments, the town and the M40 are not, we contend, logical. Journeys to the M40 will be made from wherever new developments are located in and around Warwick/Leamington, and therefore choosing to locate a significant proportion of new housing to the north-west of Warwick is likely to lead to longer journeys through the town itself. With respect to journeys to the town the highway infrastructure to the south of Warwick is, we maintain, far more robust and better able to cope with the increased vehicle journeys than development elsewhere.

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- 3.13 Reference is made at paragraph 7.30 to the continued southerly spread of development and the impact on closing the gap between Warwick and Bishops Tachbrook. We agree that it is appropriate to maintain separation between these built up areas, however we have clearly demonstrated in the Background Document submitted in support of our representations a means of ensuring a sensible disposition of new housing development respecting this separation between Bishops Tachbrook and the built form of Warwick itself. New development supported by a thorough assessment of landscape and visual impacts, and supplemented by a robust and well designed green infrastructure can ensure that the sense of separation between Bishops Tachbrook and Warwick is maintained and enhanced.
- 3.14 We do not believe that there need be any uncertainty about the ability of the housing market to deliver a significant level of new development in this area of Warwick, between now and the end of the plan period, over 15 years. Over this lengthy period of time there will undoubtedly be varying rates of delivery from the new housing schemes, and in view of the form of development proposed different, complementary outlets can be progressed simultaneously giving us confidence that the level of housing in our proposals can be comfortably delivered over the plan period.
- 3.15 Equally, we find at paragraph 7.31 some of the references to the advantages of locating development to the north-west of Leamington to be very questionable. We do not understand the logic behind the reference to the possibility of including employment land within the development as a benefit which will prevent cross-centre trips to employment areas in the south of Leamington. Unfortunately, the planning system cannot ensure that people who live in a particular area will automatically work in the nearest employment area. If, however, it is desirable to co-locate housing and employment, the existence of significant employment areas to the south of Leamington, where they are best located in terms of their attractiveness to employers, is surely a compelling argument for increasing the level of housing in this area to help minimise the need for more extensive journeys throughout Warwick and Leamington by car. Paragraph 7.39 provides a summary of the modelling of various options for the location of housing and concludes that there was little difference in transport terms between the options tested, although it should be noted that option 4, which includes the development proposals at Lower Heathcote, was shown to have least impact prior to mitigation and demonstrated the greatest improvements when mitigation was applied.

3.16 The Preferred Options document contains a reference at the end of paragraph 7.31 to the potential benefits that could be realised from the construction of a '*northern relief road*' as part of the decision to consider the release of land north of Leamington Spa and Warwick from the Green Belt. We have seen no evidence to suggest that this route is desirable, would be acceptable in terms of its impact on the Green Belt, or that it would have any significant benefits in terms of improvement to traffic flows. In addition, we have not seen any assessment of whether or not the development proposals envisaged would be capable of delivering this road.

3.17 *Affordable Housing*

The Preferred Options document acknowledges that it is not possible for the overall level of housing growth proposed to meet the arising requirements for affordable housing, as the annual arising need for affordable housing is 698, which is in excess of the proposed annual requirement of 600 dwellings per annum. In addition, as the windfall element is likely to consist of smaller sites they are unlikely to contribute towards affordable housing delivery exacerbating the shortfall. The housing requirement is therefore not addressing the need for all types of housing as required by paragraph 159 of the NPPF. In addition, the title to this subsection is incorrect as the Local Plan does not meet the need for affordable housing.

3.18 As identified in the accompanying Housing Evidence Review Paper, it is advised that a higher housing requirement is appropriate taking into consideration relevant factors. Such a requirement, in the order of 17,500, is in excess of the total arising affordable housing need (12,564 dwellings based on an average of 698 dwellings per annum over 18 years) and would assist to deliver a greater amount of affordable housing.

3.19 There is concern that if the overall arising housing needs (for both market and affordable) are not catered for, the poorest in society will be further marginalised (i.e. remaining as concealed/ shared households, when accommodation within the private rented market is potentially beyond their means) and could result in such groups moving out of the District to locations where dwellings that are affordable are available. Such an outcome would have a detrimental effect on society both socially and economically. For example, family/ social networks are broken, which potentially places a greater burden on local services and it could lead to a mismatch between available local labour and jobs, which could result in increased commuting.

- 3.20 In terms of the proposed policy approach, which requires 40% affordable housing on developments of 10 or more dwellings in the urban area and 5 or more dwellings in the rural area, it is important that the policy approach remains flexible as this blanket level of affordable housing will not be achievable on all development sites.
- 3.21 It is acknowledged that an Affordable Housing Viability Assessment has been prepared in order to test varying percentages for the affordable housing policy. Such assessments are based upon key variables to test the impact of different levels of affordable housing provision. The key variables set out within the report are: market position, location, value area, density, tenure split and developer profit. There are a number of other factors which have not been taken into account such as site remediation and provision of infrastructure. These can have a huge bearing over whether a scheme is viable or not.
- 3.22 Assumptions in relation to each of the key variables are used to determine viability. There is concern that given no two sites are the same general assumptions in respect of the cost and revenues of development may be inaccurate. It is therefore essential that the Council allows a flexible approach to delivering affordable housing in order to ensure that development is not prevented from coming forward as a consequence of a rigid policy approach. Similar sentiments are echoed in the Ministerial Statement of March 2012 and NPPF. Both of which seek to facilitate housing delivery and ensure that Local Plans do not impose unnecessary burdens that could threaten viability of development.
- 3.23 *Mixed Communities and a Wide Choice of Homes*
It is welcomed that the PO6: Mixed Communities and a Wide Choice of Homes does not include a prescriptive approach to house sizes and types to meet the needs of communities. There is a reference to such information being set out within the Strategic Housing Market Assessment. There is concern, however, that this document may not be updated regularly and therefore the information in relation to housing mix and type may become out of date. Indeed the information contained within the Strategic Housing Market Assessment is already out of date to some extent as it relies on data from 2011. Further although information is set out at a sub district level, there may be a justification for a specific mix and type of housing on a specific site or in a particular locality and therefore the Council should ensure the policy is sufficiently flexible to deal with such circumstances. We believe that housing developers have a good understanding of the markets within which they operate, as ultimately they will only build what there is demand for in the area.

- 3.24 The Preferred Option also requires at least 25% of homes, across all tenures, on sites of 50 or more dwellings to be built to Lifetime Home standards. This is a discretionary standard and whilst a number of house builders do achieve lifetime homes standards voluntarily. It should not be compulsory through planning policy. As with any policy which imposes an additional financial burden on developments, the requirements of Paragraphs 173 and 174. In particular, Paragraph 174 states:

Local planning authorities should set out their policy on local standards in the Local Plan, including requirements for affordable housing. They should assess the likely cumulative impacts on development in their area of all existing and proposed local standards, supplementary planning documents and policies that support the development plan, when added to nationally required standards. In order to be appropriate, the cumulative impact of these standards and policies should not put implementation of the plan at serious risk, and should facilitate development throughout the economic cycle. Evidence supporting the assessment should be proportionate, using only appropriate available evidence.

- 3.25 We have seen no assessment of the cumulative impact of all of the requirements and local standards set out in the Preferred Options document, and unless evidence is produced which supports the imposition of these, the Local Plan cannot be justified.
- 3.26 We do not agree that PO6 should contain a requirement that all strategic sites should include an Extra Care facility. As far as we are aware, Extra Care is a particular sector of elderly persons housing scheme and cannot be prescribed in planning policy. In addition, where such schemes are provided by the private sector or RPs they can only do so in circumstances where they will be viable; for example, where demand is sufficient and there is no other scheme nearby. It would be appropriate for a policy to encourage the provision of such schemes to be integrated within strategic sites, but not to require their provision.

10. Built Environment

- 3.27 We generally support the aspirations for high quality design set out in Chapter 10; Built Environment and in PO10. However, we object to the repeated references to the principles of sustainable Garden Towns, Suburbs and Villages, and the Prospectus which is included

at Appendix 3 of the Preferred Options document, implying that this approach is now confirmed and adopted by the Council.

- 3.28 As we have referred to previously, we welcome the desire to create high quality residential environments, and accept that some of the elements set out in the Prospectus could be usefully applied to new developments. We feel, however, that it is far too early to confirm the approach on the basis of what is a relatively limited document. These are matters which need to be consulted upon fully, including with other agencies such as the Highways Authority, before a workable set of guiding principles can be developed. These principles can then be used to inform development, but only on a site by site basis can design coding and contextual analysis be appropriate as schemes are brought forward. We would welcome the opportunity to contribute to the process of exploring the extent to which the principles of ‘*Garden Cities*’, as referred to in the NPPF, can inform future development in Warwick District.

12. Climate Change

- 3.28 The Preferred Options document sets out a requirement that seeks a 20% reduction in carbon emissions from development to include a contribution from renewable and low carbon technologies, which is to be applied to residential development of one dwelling or over and to require new residential development to meet standards set out in the Code for Sustainable Homes. There is concern that this policy approach lacks flexibility and is not the most appropriate strategy. In particular, it is not in accordance with Paragraph 95 of the NPPF which requires local planning authorities:

when setting any local requirement for a building’s sustainability, do so in a way consistent with the Government’s zero carbon buildings policy and adopt nationally described standards.

- 3.29 Reducing energy use through a ‘fabric first’ approach is something that many developers are currently looking at and is therefore a realistic and deliverable way forward for reducing carbon emissions. For example the AimC4 consortium is seeking ways to achieve the 25% CO2 reduction required between the future Part L 2013 building regulations and the current Part L 2010 building regulations at no additional cost. This would effectively move, in relation to Part L, from Code for Sustainable Homes Level 3 to Level 4 without increasing build costs.

- 3.30 Any future policy on CO2 reduction should begin with energy conservation and efficiency before looking at on-site or off-site renewables / low carbon solutions. The way in which new residential development will meet the carbon reductions required in building regulations is not prescribed and therefore could comprise of a range of solutions but it appears that 'fabric first' is generally the route being pursued by house builders, and as such is a realistic cost effective way of delivering reductions. In view of the fact that carbon reduction is enshrined in current and future building regulations legislation there is no basis for adding a further layer of policy through in the Local Plan. In addition, all development must be planned for its lifetime. Reliance on technologies which may well stop working or become obsolete before the end of the life of the development should therefore be avoided. It is, for example, questionable whether solar PV panels imported from the Far East and added to developments represent a sustainable, long term solution to reducing carbon emissions.
- 3.31 The reference to on-site energy efficiency measures and low or zero carbon energy generation to meet a carbon reduction equivalent to 20% of predicted energy requirements is not considered to be justified. As noted above the 2013 Part L building regulations will already see a 25% improvement in CO2 emissions over current Part L building regulations (and a 44% improvement over the 2006 version). By aligning Category 1 (Energy and Carbon Dioxide Emissions) of the Code for Sustainable Homes with Part L of the building regulations the Government are maintaining a realistic timetable to reducing carbon emissions. The emerging Local Plan is taking a contrary approach whereby it is seeking to force measures onto new development prior to the national timetable without exploring the consequences.
- 3.32 In reality, in respect of house building, it is the market that will really dictate the level of energy efficiency and carbon reduction in new homes over and above legal requirements. If buyers are prepared to pay the additional premium for zero carbon homes then the development industry will build them. However at the moment evidence suggests that reducing carbon emissions is not top of the list when purchasing a property, particularly when peoples' incomes are under pressure from other sources.
- 3.33 There is no objection to reducing the impact development has on climate change but, in respect of new housing, the policy takes no account of the cost implications that will arise from the measures, a burden that will ultimately fall on the house buyers. As previously

noted, Paragraph 174 from the NPPF requires local planning authorities to assess the cumulative impact on the implementation of the Local Plan of all local standards, in order for the plan to be justified.

- 3.34 The Government has not made achieving a particular level against the Code for Sustainable Homes mandatory i.e. the rating can be zero. Whilst the legal requirement to reduce CO2 emissions is currently the equivalent of Code 3, and next year it will be Code 4, there is no legal requirement to meet the CO2 emission equivalent of either Code 5 (100% improvement) or Code 6 (zero net). Paragraph 95 of the NPPF states that when setting any local requirement for a building's sustainability local planning authorities should do so in a way consistent with the Government's zero carbon buildings policy and adopt nationally described standards. The emerging Local Plan is seeking to go beyond these without justification.

15. Green Infrastructure

- 3.35 We object to the proposal to replace 'Areas of Restraint' with Green Wedges. There is no basis in the NPPF for adding a layer of protection or restriction over development in addition to the Green Belt, or above such areas which local communities may seek to identify as Local Green Space.
- 3.36 The NPPF contains, as one of its core principles in Paragraph 17, reference to recognising the intrinsic character and beauty of the countryside. Large parts of the District are covered by Green Belt designation, with its well established levels of control over development, and the NPPF at Paragraphs 76 and 77 allows local communities, in defined circumstances, to designate land as Local Green Space. Areas of particular nature conservation or habitat value can be afforded protection through the hierarchy of designated sites. There is no justification, therefore, for adding a further layer of 'Green Wedges' and all references to this approach should be deleted.

4 Sustainability Appraisal

- 4.1 The Council has published a Sustainability Appraisal, prepared by officers, to support the Preferred Option Local Plan, which attempts to consider reasonable alternatives and give

outline reasons for selecting alternatives. Each of the alternatives is tested against Local Plan objectives. All of which together deliver sustainable development.

- 4.2 To begin the Council tested two alternative levels of growth 600 per annum and 700 per annum, both of which scored equally at 2.5, which demonstrates that a higher number of homes is equally sustainable, although it is recognised that the degree of impact on different objectives vary. In light of this and given that the Government requires the arising needs and demands of the population to be provided for, additional housing should be provided.
- 4.3 This testing of alternative growth levels was followed by testing of different development distribution patterns, which are referred to as 'broad options'. In terms of the broad options, clearly the scoring system is a simplistic exercise and therefore hybrid options have not been considered. It is our view that such a hybrid option (i.e. a broad option combining options 1 and 2 of urban fringe development outside of the Green Belt) would score very highly and should be pursued.
- 4.4 The next exercise is to appraise individual sites. It should be noted that sites are referred to by name, however, there is no plan to identify exact site boundaries, which would be useful in order to be clear in respect of what the comments that are summarised refer to. In terms of the site specific comments, it is rather surprising to note that land south of Harbury Lane has clearly one of the best scores of all sites considered; however, it is not identified for development within the Preferred Option New Local Plan. Conversely, there are a number of other sites that are identified for development that have considerably lower scores. There is no justification within the Sustainability Appraisal for this.
- 4.5 Finally, the Sustainability Appraisal tested options with varying combinations of sites. Four different combinations of sites, including those set out in the Preferred Options Local Plan were appraised, which appears to be consistent with Option 3 (assumed to reflect Map 4 Development Sites in the Preferred Option New Local Plan). However, it appears a fifth option referred to as the 'Emerging Preferred Option' is also assessed. When comparing the results for Option 3 and the Emerging Preferred Option, they score differently. Further clarification on the difference between these options is required. Furthermore, it is also rather surprising to note that both these 'preferred' options score lower than all other options, again suggesting the Preferred Options New Local Plan has not followed evidence

base, or provided sufficient reasoned explanation unto why the outcome of this assessment is not applicable.

5 Conclusion

- 5.1 These representations to the Warwick Local Plan - Preferred Options consultation document have been prepared on behalf of our client, Gallagher Estates Limited. They are supported by a Background Document which identifies a land at Lower Heathcote, Warwick which we contend should be identified as an allocation in the submission version of the Local Plan when it is published.
- 4.2 Our representations have set out what we consider to be flaws in the consultation document which could render the Local Plan unsound, and we therefore commend the points we have raised to you for further consideration. In particular, we have concluded that the plan should refer more explicitly to the requirements both of the NPPF and the Localism Act 2011. It should also remove references to what could reasonably be concluded is a pre-ordained approach to the overall level of new dwelling provision the Plan should provide for.
- 4.3 We do not believe the consultation document has properly identified objectively assessed housing needs in accordance with the NPPF, nor is there any evidence of compliance with either the legal obligations or the requirements of the NPPF with regard to the duty to co-operate. These, we contend, are serious flaws in the approach the Council is adopting. It is clear that as things currently stand it cannot be found to be sound.
- 4.4 The Council's approach to the spatial distribution of development should be reappraised to more clearly prioritise most growth within and on the edge of the existing urban areas and the preference in the first instance for the location of development in areas outside the Green Belt. Linked to this, we object to the restriction on the location of housing development by virtue of the exclusion of any land south of Harbury Lane, as there is simply no evidence provided, which supports the decision to allocate land in this manner and not to include all of the land identified as potentially suitable, achievable and deliverable in the Council's SHLAA 2012. In addition, the Council has not produced evidence that there are no other options outside to deliver sustainable development outside

of the Green Belt and therefore exceptional circumstances have not been demonstrated by the Council as required by the NPPF (paragraph 85).

- 4.5 We object to elements of the Council's approach to local standards generally and consider the requirements to justify this in accordance with the NPPF have not been met. In particular we have concerns with the policy suggested for affordable housing and to the approach proposed in relation to lifetime homes. We also object local standards in the manner envisaged in relation to climate change. We further find no basis for the suggestion of a policy to identify green wedges, which should be removed from the Plan.