



WARWICK DISTRICT COUNCIL

**WARWICK DISTRICT LOCAL PLAN
PUBLICATION DRAFT 2011 - 2029**

Representations on behalf of
Gallagher Estates Ltd

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Pegasus Group

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1. INTRODUCTION

- 1.1 We are instructed by our client, Gallagher Estates Ltd, to make representations on their behalf to the Warwick District Local Plan Publication Draft 2011 to 2029.
- 1.2 Gallagher Estates Ltd have a controlling interest over land to the east and west of Europa Way. Part of the land forms part of the “*Land south of Harbury Lane (excluding former sewage works)*” strategic development site proposed in the Local Plan at Policy DS11 (Site H02). Another part falls within the “*Land west of Europa Way*” strategic development site (Site H01 / E1). A plan showing the location of this site is enclosed at **Appendix 1**.
- 1.3 Extensive evidence is provided, in association with these representations, to support the allocation of the Lower Heathcote Farm site, south of Harbury Lane as sound. This is in the form of a ‘*Background Document*’ (submitted separately) which provides information about the specifics of the site. The Document provides a site location plan at Figure 1.2. The Background Document draws on comprehensive technical assessments across all key disciplines, includes a Development Framework Plan showing how the site could be developed. A wider Framework Plan is also provided within the Background Document which illustrates that the Lower Heathcote Farm site can sensibly come forward as part of the wider strategic development site identified at Policy DS11 (Site H02).
- 1.4 Gallagher Estates Ltd fully supports the identification of the south of Harbury Lane strategic development site as a suitable and deliverable allocation for residential development with associated infrastructure and uses.
- 1.5 Extensive evidence is also provided to support the case for the allocation of land south of Gallows Hill / west of Europa Way within a ‘*Background Document*’ (submitted separately). The document provides a site location plan at Figure 1.2. As with the land at Lower Heathcote Farm, this Background Document provides comprehensive technical information about the south of Gallows Hill site and includes a Development Framework Plan showing how the site could be developed. The wealth of site specific information provided demonstrates that the site is suitable, developable and deliverable and that its allocation for residential development would be sound.
- 1.6 The Representation Forms are provided at **Appendix 2**.
- 1.7 The representations are framed in the context of the requirements of the Warwick District Local Plan to be legally compliant and sound. The tests of soundness are set out in the National Planning Framework (NPPF), paragraph 182. For a plan to be sound it must be:
- **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;

- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross boundary strategic priorities; and
- **Consistent with National Policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

2. INTRODUCTION, VISION AND OBJECTIVES

2.1 In large part the spatial strategy of the draft Local Plan is considered to be inherently sound and positively prepared.

2.2 The general approach affords a distribution strategy which focuses development, in the first instance, to the edge of urban areas close to areas of employment or where community facilities are or can be made available. Allied with this the distribution approach rightly acknowledges that utilising land in the Green Belt should be avoided if there are alternative, suitable and sustainable sites located outside of the Green Belt. This sustainable distribution approach inevitably and rightly directs that development should be located toward the southern edge of Warwick and Leamington and other sites on the edge of the District's main settlements. The need for the dispersal of development to some of the more sustainable villages in the District is not, however, overlooked with the Plan seeking to deliver housing in the rural areas seeing it as an opportunity to provide much needed affordable and market housing whilst helping to support and sustain local services, facilities and businesses.

2.3 In broad terms the spatial strategy summarised above is one which is consistent with the NPPF. It is an approach which, in accordance with paragraph 151, NPPF has been: *“prepared with the objective of contributing to the achievement of sustainable development”*. There are, however, areas of concern regarding soundness which need to be addressed and these are explored in these representations. The principal concern is that the Authority risks under providing for arising housing need and failing to boost significantly the supply of housing contrary to the provisions of the NPPF.

Paragraph 1.4

2.4 Paragraph 1.4 sets out that the Plan will be important in helping the Council to deliver its vision over the next 15 years. In reality, however, we are concerned that the Plan will not fully achieve this due to the proposed end date of 2029. The NPPF, paragraph 157 is clear that crucially, Local Plans should: *“be drawn up over an appropriate time scale, preferably a 15 year time horizon, take account of longer term requirements, and be kept up to date”*. Indeed paragraph 1.7 of the Draft Local Plan

summarises this requirement of the NPPF. The Local Development Scheme (LDS) of February 2014 does not anticipate adoption of the Plan until April 2015 and this may well slip further. As such a 15 year time horizon post adoption is likely to be 2030 at the earliest and not 2029. At the very least, therefore, the Plan should run until 2030. In order, however, to build in flexibility should the progress of the Plan slip further extending the period of the Local Plan to 2031 would be both justified and positive. The Authority are in a position to do this having regard to key elements of the evidence base including, in particular, the Coventry and Warwickshire Strategic Housing Market Assessment (November, 2013) which covers the period to 2031.

- 2.5 This issue was dealt with by the Inspector considering the Lichfield District Local Plan. In his Initial Findings (3rd September 2013) at paragraph 39 he states: *“..the Plan, which runs to 2028, would only have a 14 year life – rather than the 15 year time horizon which the NPPF indicates would be preferable. The council should, therefore, consider extending the end date of the Plan to 2029 and making the necessary adjustment to housing numbers”*. We would agree with the findings of the Lichfield Inspector and would urge Warwick District Council to consider extending the end date of the Plan to 2031 and making the necessary adjustment to the housing numbers.

Duty to Co-Operate and Strategic Planning (Paras: 1.19 to 1.28 inclusive)

- 2.6 The District Council is clearly cognisant of the requirement, contained in Section 33A of the Planning and Compulsory Purchase Act 2004, of the need to comply with the Duty to Co-operate. Their response to this, as summarised in paragraphs 1.19 to 1.28 is noted. We are encouraged that Warwick District Council recognises its statutory obligations with regard to the Duty to Co-operate with neighbouring authorities in the preparation of their Local Plan in order to maximise its effectiveness with regard to strategic planning matters.
- 2.7 Paragraphs 178 to 181 of the NPPF provide direction to authorities in relation to the Duty to Co-operate. Paragraph 178 sets out the *expectation* of the Government that joint working will be undertaken to the mutual benefit of neighbouring authorities. Paragraph 181 goes on to require authorities to *“demonstrate evidence of having effectively cooperated to plan for issues with cross boundary impacts”*. Reference is also made, in paragraph 181, to the preparation of memorandums of understanding being presented as evidence of an agreed position. In this regard, there is evidence that cooperation is occurring in relation to the strategic priority of housing in Warwick District. A Joint SHMA (with adjoining Warwickshire authorities) has been prepared and there is an acknowledgement, within the Plan, that this may require Warwick District to assist in addressing any shortfall in the sub region’s housing provision.
- 2.8 The mechanism for cooperation is described, albeit briefly, in paragraphs 1.21 and 1.22 of the Plan. We are informed that discussions are being undertaken through the Coventry, Solihull and

Warwickshire Planning Officers Group (CSWAPO) and its associated Duty to Cooperate Sub Group and within the Coventry and Warwickshire Joint Committee (Members Group). We are encouraged by this. It is important that mechanisms are in place to ensure compliance with the Duty and that further detail about this process and the results of this work are made available. We would suggest that further information and explanation should be provided as part of the evidence base, perhaps in the form of a Duty to Co-operate Statement. We would suggest that this should also address how co-operation has been discharged in neighbouring housing market areas, particularly the major urban areas.

- 2.9 To conclude, given the above, we are encouraged that the District Council is being cognisant of the requirement to comply with the Duty to Co-operate. We do, however, reserve our position on whether the District Council has effectively discharged that Duty and look forward to considering this matter further on publication of the necessary attendant evidence based information.

Paragraph 1.29

- 2.10 In responding to paragraph 1.4 of the Plan we urge the District Council to extend the end date of the Plan from 2029 to 2031. This would be consistent with the provisions of the NPPF, paragraph 157 which states that Local Plans should be drawn up, preferably over a 15 year time horizon post adoption.

Issues – Paragraph 1.30

- 2.11 The Draft Local Plan has helpfully identified a range of issues (a to I) which the District faces and which the Local Plan must address. Issue b is of particular note. This draws attention to the relatively high house prices in Warwick District which limits the ability of local people to buy or rent property. This is said to have created a need for more affordable housing and the need to provide more housing generally to meet future needs.
- 2.12 We would endorse the view that house prices in Warwick District are high and that this does limit access to the housing market. The SHMA demonstrates that some 46% of newly forming households in Warwick cannot afford to access the housing market without subsidy and that a minimum household income of £33,360 is required to access the market in the District. The SHMA describes this as being substantially higher than any other local authority contained within the SHMA area.
- 2.13 The reasons why Warwick District are experiencing issues relating to high house prices and accessing the housing market are varied and complex. Undoubtedly the situation in the recent past has been influenced by the economy at a macro – economic level (eg interest rates and mortgage availability) but also at a regional and local level. At the local level, house prices can be influenced by the extent

of the supply of housing within an area. There has been a period of time, within Warwick District, where supply has fallen considerably, most notably between 2006 and 2013. This has been caused not only by the general downturn and economic recession but, at least in part, by the constraining of supply through the moratorium on planning permissions that was introduced by the Authority in September 2005 and was in place until February 2009. This has inevitably had the effect of constraining supply hence contributing to house price rises, resulting in an ever increasing demand for affordable housing.

- 2.14 In light of the above we would certainly endorse the view that high house prices are a key issue in the District and that the Local Plan needs to tackle the issue. We share the view of the Local Plan that, in order to do so, there is a need to plan positively to provide more housing to meet future needs.

Vision for the District – Paragraphs 1.39 to 1.41

- 2.15 The vision for the District is concise and clear. It is supported as sound.

Local Plan Strategy – Paragraph 1.42 & Paragraph 1.43

- 2.16 Paragraph 1.42 sets out three strategic priorities. Of particular note is the second of these which relates to: *‘Providing the homes the District needs’*. The provision of housing is described as being *‘central’* to the Plan. Certainly this recognition is welcomed as sound and the reader can see the clear and direct relationship between the key issue of high house prices and issues of affordability identified at paragraph 1.30 of the Draft Plan and the strategic priority of providing the needed homes as a means of addressing the situation. There is a concern however, that the Council are at risk of failing to deliver on this ‘central’ aspect of the Plan by under providing for arising housing need and failing to boost significantly the supply of housing contrary to the provisions of the NPPF. This is explored further in responding to other parts of the Draft Plan, most particularly, Policy DS6.
- 2.17 In general terms the spatial strategy set out in paragraph 1.43 is supported as sound. It is, however, of some concern that the strategy is, very much, in summary form. The strategy has been diluted to seven, very short bullet points. Brevity is, of course, to be applauded in plan making but some important aspects of the strategy (such as the approach to accommodating greenfield sites on the edge of urban areas) are omitted when compared to Policy DS4 which sets out, in full, the proposed spatial strategy. This is easily overcome by paragraph 1.43 cross referring to the full spatial strategy contained at Policy DS4 of the Plan.

Local Plan Objectives

Objective 1: Providing sustainable levels of growth in the District

- 2.18 Paragraph 1.46 states that the Local Plan will identify and maintain a supply of land for housing to meet the objectively assessed needs for market and affordable housing. This objective of the Local Plan is supported as sound and responds to the issue of affordability identified at paragraph 1.30 part (b) of the Plan and the strategic priority to provide the homes the District needs identified at paragraph 1.42 of the Plan. There is a concern that in practice the policies of the Plan which follow (particularly Policy DS6) are at risk of failing to meet the objectively assessed need for housing contrary, not only to the NPPF, but to the strategic priority and objective 1 of the draft Plan.

3. DEVELOPMENT STRATEGY

Strategic Policy DS1: Supporting Prosperity

- 3.1 Policy DS1 supports the vision of the Council to facilitate the growth of the local economy and is supported as consistent with the NPPF's objective for the country to build a strong, competitive economy. There is a concern however that the Plan is not effectively balancing housing and employment growth as currently drafted. In order to help support economic growth and meet the projected target (11.6% employment jobs growth) for Warwick District over the plan period, there needs to be an increase in population, in particular the working population. This, in essence, requires an increase in the supply of housing over that currently proposed in the Plan. Please refer to the representations to Policy DS6 and Policy PC0.

Strategic Policy DS2: Providing the Homes the District Needs (including paragraph 2.6)

- 3.2 Strategic Policy DS2 as drafted is consistent with national policy and soundly based. The NPPF leaves no doubt that authorities, through their Plan making, should deliver, in full, their objectively assessed housing need. To summarise, paragraph 17, NPPF states;

“Every effort should be made objectively to identify and meet the housing, business and other development needs of an area and respond positively to wider opportunities for growth.”

- 3.3 Paragraph 47 states that the Government's key housing objective is to boost significantly the supply of new homes. At paragraph 47 the NPPF goes on to say that to boost the supply of new housing local planning authorities should use an evidence base to ensure that their local plan meets the full, objectively assessed, requirements for market and affordable housing in the housing market area,

including identifying key sites which are crucial to the delivery of the housing strategy over the plan period.

- 3.4 Paragraph 159 of the NPPF states that local planning authorities should prepare both a Strategic Housing Market Assessment (SHMA) and a Strategic Housing Land Availability Assessment (SHLAA). These two documents are described as critical to providing the credible evidence on which their development plans can be based, a process which is more significant in the absence of a higher tier of strategic planning which in the past would have provided housing requirements.
- 3.5 Paragraphs 156 and 14 of the NPPF are also of note. The former stresses that Local Planning Authorities should set out their strategic priorities for their area in the Local Plan and that this should include policies to deliver the homes and jobs needed in the area. Paragraph 14 highlights that plan making means that: *“local planning authorities should positively seek opportunities to meet the development needs of their area”* and that *“local plans should meet objectively assessed needs, with sufficient flexibility to adapt to a rapid change”*.
- 3.6 In summary therefore the NPPF, as reinforced in Planning Practice Guidance (PPG), reflects the emphasis which the Government is placing on ensuring that the development the country needs is delivered. The imperative to meet objectively assessed need has recently been considered by the Courts (*Gallagher Estates Limited & Lioncourt Homes Ltd v Solihull MBC [2014] EWHC 1283 (Admin)*). In this Judgement, Justice Hickinbottom was clear that the NPPF: *“requires plan makers to focus on full objectively assessed need for housing, and to meet that need unless (and only to the extent that) other policy factors within the NPPF dictate otherwise” (paragraph 97)*. In this case, Justice Hickinbottom found in favour of the Claimant concluding that the Solihull Plan could not be considered sound because: *“it is not based on a strategy which seeks to meet objectively assessed development requirements nor is it consistent with the NPPF” (paragraph 101)*. At paragraph 91, Justice Hickinbottom confirms that: *“in plan making, full objectively assessed housing needs are not only a material consideration, but a consideration of particular standing with a particular role to play.”*
- 3.7 In light of the above the statement of intent proffered in Strategic Policy DS2 that the full objectively assessed need for housing will be met in the Plan is robust, credible and sound. Policy DS2 is therefore supported as sound.
- 3.8 Paragraph 2.6, in explaining Policy DS2, states that the Council has undertaken a Joint Strategic Housing Market assessment with the other local authorities in the Coventry and Warwickshire Sub Region (Coventry and Warwickshire Joint SHMA, November 2013). It is stated that this SHMA provides the basis for establishing the District’s Objectively Assessed Need. It is clearly laudable that

the LPA has produced a Joint SHMA and we acknowledge that this is an important piece of the evidence base.

- 3.9 These are, however, concerns about the robustness of the findings and, as a consequence, whether the housing requirement figure contained within the Plan at Policy DS6 (12,860 new dwellings as derived from the SHMA) is sufficient to meet the full, objectively assessed need for housing. Please refer to our comments in relation to Policy DS6 below.

Strategic Policy DS4: Spatial Strategy

- 3.10 In broad terms, the spatial strategy of the Local Plan encompassed in Policy DS4 is inherently sound and positively prepared. The distribution strategy put forward by the Authority seeks to focus development within, and on the edges of, existing urban areas. In so doing it seeks to protect the Green Belt where there are sustainable, non Green Belt options available and seeks to avoid development in areas which would lead to the unacceptable coalescence of settlements.
- 3.11 As a strategy for the Local Plan, this is consistent with national policy. It proposes a distribution approach which accords with paragraph 151 of the NPPF in that it is: *“prepared with the objective of contributing to the achievement of sustainable development”*. Paragraph 152 of the NPPF directs that: *“Local Authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three”*. The distribution strategy put forward by the District Council can deliver a considerable number of positive impacts in environmental, social and economic terms. The spatial strategy is therefore largely supported.
- 3.12 The distribution approach will perform, mindful of paragraph 7 of the NPPF, an **economic** role by providing land of the right type, in the right place proposing development that can assist in delivering infrastructure. The economic effects are positive in terms of: locating development within and adjoining the edge of sustainable settlements with good access to facilities and services, provision of local retail provision, particularly in the proposed strategic urban extension sites to the south of Warwick and encouraging higher skilled economic sectors directing employment growth in the vicinity of Warwick Technology Park.
- 3.13 The strategy also performs a **social** role by providing housing in locations that are accessible to services and can support strong, vibrant and healthy communities. There are positive benefits in that the location of the urban extensions, particularly to the south of Warwick, improve availability of sustainable transport to jobs and services. The strategy can also allow for mixed and balanced communities to be delivered, encourage cultural activity, improved service provision and enable positive enhancement for improving community participation through providing facilities as part of

urban extensions. Lastly the strategy provides an environmental role. This includes: maintaining and enhancing landscape quality and promoting biodiversity by enhancing connectivity and diversity of habitats and wildlife corridors and positively encouraging energy efficiency.

- 3.14 In particular, however, the spatial strategy proposed at Policy DS4 provides a clear prioritisation that land outside of the Green Belt on the edge of existing urban areas is to be used in preference to locations within the Green Belt which close the gap between existing settlements and could potentially lead to their coalescence. The NPPF, at paragraph 85, is clear that Green belt boundaries should only be altered in exceptional circumstances. In essence, if there are sustainable locations for development outside of the Green Belt then these should be favoured over sites located within it.
- 3.15 There are, however, some concerns about the Spatial Strategy. Policy DS4, in contrast to Policy RDS3 of the RDS, also introduces two further aspects to the spatial strategy at parts e (avoiding development that has a detrimental impact on heritage impacts unless mitigation can be put in place) and f (avoiding development in areas assessed as high landscape value). Clearly laudable in intent these are not provisions that are relevant to the broad, strategic spatial strategy of the plan. They are, in essence, development control considerations that are applied to development proposals and these aspects are covered in other parts of the Plan. We would therefore suggest that they are superfluous in this context and could be deleted.
- 3.16 Finally, although not a criticism of the Spatial Strategy, our representation to Policy DS6 in particular, evidences why the Draft Plan is at risk of failing to deliver on the objectively assessed need for housing. This is a situation that needs to be rectified for the Plan to be found sound. It is, of course, open to the Authority to do so by seeking to deliver more housing. This should not result in a change to the Plan's robust and credible spatial strategy. Additional housing can sensibly be accommodated through the release of additional land for development in a manner consistent with the distribution approach. The site south of Gallows Hill / West of Europa Way (which forms part of a wider site that has been proposed for development in previous versions of the Local Plan) is an example of one location which could come forward for development commensurate with the spatial strategy of the Plan. Further information on the merits of the Gallows Hill site is provided in the attendant Background Document and in response to Policy DS11.

Policy DS5 Presumption in Favour of Sustainable Development

- 3.17 We welcome the inclusion of a policy in accordance with the presumption in favour of sustainable development set out in the NPPF. Policy DS5 is sound and supported.

Policy DS6: Level of Housing Growth

- 3.18 Given the provisions of the NPPF there can be no doubt that a key function of the Local Plan making process is to meet, in full the need for housing over the Plan period. Indeed, the Draft Local Plan acknowledges the importance of delivering on the need for housing in a number of places including, in particular, at proposed Policy DS2. Unfortunately Policy DS6 does not, in our view, achieve this. It is considered that the requirement figure of 12,860 dwellings 2011 to 2029 is not positively prepared and is unsound.
- 3.19 Paragraph 159 of the NPPF states that authorities should have a clear understanding of housing needs in their area and should prepare a Strategic Housing Market Assessment (SHMA) to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries. Accordingly, the Authority has sought to prepare a joint SHMA with its neighbours in the County through the preparation of the Coventry and Warwickshire Joint Strategic Housing Market Assessment of November 2013. We are informed, in the explanation to Policy DS6, that the 12,860 requirement figure is derived from the outputs of the SHMA assessment. This is the key evidence base document underpinning the housing requirement.
- 3.20 There is a concern that the migration assumptions that have fed into the SHMA scenarios are not reflective of representative or 'normal' migration patterns. This is on the basis that for some years migration patterns in Warwick District have been influenced by the artificial policy constraint arising from the housing moratorium in place in Warwick District between 2005 and February 2009, a period of some 3½ years. The moratorium had a significant effect on in migration due to the constrained supply of housing. The moratorium was lifted in February 2009 but this was during a period of recession, which also has had the effect of constraining supply and influencing migration trends. In our opinion utilising migration trends reflective of the last 5 or even 10 years (depending on the period used as it is not defined in the SHMA) is not sufficient in itself in terms of plan making going forward.
- 3.21 There is also a concern about the household formation rates used in the SHMA. This is an important factor as this can significantly influence the number of households generated by the projections. The SHMA considers the right approach is to use a blended approach utilising both 2008 and 2011 headship rates. Pegasus consider the use of 2011 headship rates to 2021 and then, in the following decade assume household formation improves in line with trends in the 2008 based household projections, to be far too pessimistic an approach. Instead, we believe a more robust approach would be to assume that headship rates return to longer term trends at 2016, from which point 2008 based headship rates are appropriate thereafter.

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- 3.22 The SHMA supports growth in labour supply of around 12% for the baseline assessment which falls short of the Experian forecast used for sensitivity testing which demonstrates 14.3% employment growth across the HMA over the 20 year period from 2011 to 2031.
- 3.23 Finally, although the SHMA makes reference to establishing a figure for unmet need this has not been added to the projections notwithstanding that PPG explicitly expresses that unmet need should be taken into account.
- 3.24 Given the concerns in respect of the SHMA, we have undertaken an assessment of the full, objectively assessed need for housing in Warwick District using the Chelmer Model. In so doing, Pegasus have acknowledged that, as required by the PPG, the household growth identified by household projections (the starting point) should be adjusted to reflect appropriate market signals, as well as other market indicators of the balance between the demand for and supply of dwellings. The market factors and market context for Warwick that have been included look comprehensively at; migration trends, past housing delivery rates, accessibility to the housing market, house prices, the House Price Index and affordable housing. Employment trends are also considered and, in particular, we believe that to help support economic growth and meet the projected target (11.6% employment jobs growth) for Warwick District over the plan period, there needs to be an increase in the population, in particular the working population.
- 3.25 It is acknowledged that, in identifying an appropriate housing requirement, the PPG states that the most recent household projections should provide the starting point. The most recent projections are the 2011 based interim household projections (published April, 2013). These projections should be applied with caution particularly as they are based on past trends that occurred during a period of poor economic conditions. The 2012 based sub national population projections have also recently been published and are a consideration. Again, caution should be applied to these projections as they are based on recent past trends ie assumptions about fertility, mortality and migration levels are based on trends in recent estimates, usually over a five year reference period (2007 to 2012). In this period, as summarised above, a housing moratorium and a severe economic recession affected population growth in Warwick.
- 3.26 The Chelmer work that we have undertaken illustrates the growth in dwelling forecast by testing three scenarios over the plan period 2011 to 2029. Using the robust methodology of the Chelmer Model it is concluded that a starting point for determining the actual housing requirement for Warwick is a figure of circa 15,084 dwellings (rounded) over the plan period 2001 to 2029, based on the most up to date demographic information. However, to fulfil economic potential and to provide for projected employment growth within the plan period, a higher housing requirement of circa 18,043 dwellings should be considered.

- 3.27 In light of this it is considered that the delivery of 715 dwelling per annum (as currently proposed in the Plan) would not deliver the full, objectively assessed need for housing in Warwick District. This requirement would not appropriately assist in delivering economic growth within the District, would not do enough to address current serious imbalances between supply and demand and would not sufficiently assist in delivering the affordable housing required to meet housing need over the plan period.
- 3.28 It is evident that the District has, in the past, demonstrated delivery rates of over 900 dwellings per annum which suggests that delivering in line with the Pegasus alternative rate of circa 1,000 dwellings per annum could be achieved. The District Council is therefore urged to reconsider the housing requirement of 12,860 dwellings 2011 to 2029 or 715 dwellings per annum. For all of the reasons above, this should increase to circa 1,000 dwellings per annum and should be over a plan period 2011 to 2031 (consistent with NPPF, paragraph 157 – see representation to paragraph 1.4). This would be consistent with the Government objective to deliver on the need for housing and boost supply. It would, in our contention, be sound.

Policy DS7: Meeting the Housing Requirement

- 3.29 Proposed Policy DS7 lists various sources of housing land supply to demonstrate how the Council's requirement figure of 12,860 new dwellings 2011 to 2029 will be delivered. A number of the sources are considered in further detail below.

- *Sites with outstanding planning permission at 1 April 2013*

- 3.30 This source identifies total extant planning permissions at 1 April 2013. Not all sites with permission are developed due to ownership, difficulties with access, problems with land conditions etc. Sites may have gained permission as a valuation exercise with no intention of being built, particularly small sites. In addition, in adverse market conditions schemes may be redesigned to improve viability. For example, apartment (higher density) development is less favourable now compared to family (lower density) housing with gardens.

- 3.31 Due to all of these factors, it is suggested that a 10% non implementation discount is applied to account for unforeseen circumstances where permissions are not developed.

- *Sites with planning permission granted between 1 April 2013 and 31 December 2013*

- 3.32 It is considered that the same principle set out above applies to this source of housing supply. Given that in this period the Council has not been able to demonstrate a five year land supply, a number of the permitted schemes may have been submitted on a speculative basis in order to capitalise on the

limited window of opportunity. It could be the case that some of the speculative planning applications, which may be inconsistent with the emerging spatial strategy, will have come forward for valuation purposes. It is particularly important, therefore, that a 10% non implementation discount is applied to this source.

- *An allowance for windfall sites coming forward in the plan period*

- 3.33 It should be noted that the NPPF only refers to windfalls being included in the five year supply if there is compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. There is no reference to windfall sites being allowed within a Local Plan. In terms of plan making, the NPPF requires a Strategic Housing Land Availability Assessment (SHLAA) to establish realistic assumptions about availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period.
- 3.34 The PPG '*Housing and economic land availability assessment*' identifies that the purpose of a SHLAA is to identify sites and broad locations and their development potential, suitability for development and likely deliverability. All of which allows the LPA to be aware of all sites and development potential in the District for the purpose of allocating land. It goes on to provide guidance as to how an assessment should be undertaken. It states that '*the approach ensures that **all** land is assessed together as part of plan preparation to identify which sites or broad locations are the most suitable and deliverable for a particular use*'. If all land is assessed as part of a SHLAA, there should be a limited amount of windfalls arising as part of the supply. If undertaken correctly, this assessment should reduce uncertainty of unknown sites coming forward throughout the plan period.
- 3.35 As part of the Council's evidence to justify a windfall as a source of supply within the Local Plan, a document entitled 'Warwick local Plan: Estimating a Windfall Allowance' has been prepared. Firstly, it sets out housing completions with a split of windfall and allocated sites. The justification document has failed to recognise that in more recent years the number of windfall sites developed has been greater than plan allocations developed as a consequence of a policy vacuum with few allocated sites remaining and during this period many applications for housing are not identified for development as such and have been submitted on a speculative basis. Indeed, the lack of a five year land supply is likely to have further encouraged sites that are of a windfall nature to come forward. These circumstances are unlikely to apply going forward and therefore the level of windfalls in future years will reduce. The total future supply expected from this source should reduce accordingly.
- 3.36 The windfall justification document includes an analysis of different types of windfall sites, which are set out (complete with identification as to whether they are in the SHLAA) as: rural windfall sites (counted separately because the SHLAA only assesses the capacity of urban (or edge of urban) sites; conversions and changes of use (only a few sites identified in SHLAA); redevelopment/ new build

sites with a capacity of less than 5 (no sites less than 5 dwellings included in SHLAA); and redevelopment/ new build sites with a capacity of 5 or more dwellings (included within SHLAA but it is expected a further supply will come forward beyond 2018). Each category is considered below.

- 3.37 With regard to rural windfall sites, it is unclear why sites in and on the edge of rural villages have not been assessed as part of the SHLAA process. Clearly, inclusion of such land as part of the SHLAA would assist in identifying the capacity of rural locations. This would allow a true figure of housing arising from this source to be identified rather than relying on past trends, which could be inappropriate as identified above. The Council has attempted to estimate future trends for this category and added 40%. There is no justification for this. As identified above, this is best achieved by analysis sites on an individual basis in the SHLAA.
- 3.38 In terms of conversions and changes of use, it is accepted that development arising from this source can be unexpected and reactive to socio economic changes. In recent times these changes include, for example, reduced patronage in public houses, which has therefore led to public houses being redeveloped for alternative uses (residential/ convenience shopping) and out sourcing of Government services to private contractors, which has led to public buildings becoming redundant and redeveloped. There is, however, a finite supply of such sources (i.e. public houses and public building) and as a result it should not be assumed that these trends will continue. Where sites are known to be vacant, these should be included within the SHLAA. The Council has attempted to estimate future trends for this category and added 20%. There is no justification that such sites will continue to come forward. Indeed there is concern that if the Council relies on this source too heavily for future dwellings, this may be detrimental to the economy and public services.
- 3.39 In respect of redevelopment/ new build sites with a capacity of less than 5 dwellings, it is acknowledged that sites under a certain dwelling threshold may not be identified and assessed and therefore it is agreed that an allowance based on historic delivery of small sites is appropriate. Finally, for the category relating to redevelopment/ new build sites with a capacity of 5 or more dwellings, these should all be identified within the SHLAA and accordingly if deliverable it should be categorised as an identified SHLAA site as being suitable within the plan. It is unclear why there are two sources for the same category of sites.
- 3.40 To conclude, as set out above, the inclusion of a windfall allowance is not encouraged by Government policy. The correct approach is to undertake a comprehensive review of all land supply in order to get a true understanding of the land likely to come forward. Any sources of supply arising from the SHLAA should be listed and identified as that and not as a windfall, which has no accountability. The only category worthy of inclusion as windfall within the Local Plan is redevelopment/ new builds fewer than 5 dwellings. It would then total 144 dwellings over the whole plan period for windfalls.

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- 3.41 Clearly, should the Council's policy approach to windfall be pursued, there is concern that windfall development may not come forward as anticipated and as a result the total housing requirement will not be achieved and the housing strategy would accordingly fail.
- *Small Urban sites assessed in the Strategic Housing Land Availability Assessment as being suitable*
- 3.42 As set out above, sites included as windfall that can be identified should be included within this source. It is advised that the SHLAA is recast in order to consider sites identified above and reapportioned within the correct category as appropriate. It is anticipated that the total number of dwellings capable of being delivered by this source would increase.
- *Consolidation of existing employment areas and canal-side regeneration*
- 3.43 Given that these sites can be identified and are considered to be developable there is no objection to their inclusion within the housing land supply. Given, however, these sites will be brownfield land and may have multiple land ownership their delivery may take longer than anticipated. It is important that the Council monitor the progress of these sites and bring forward additional land if the prospect of delivery in the plan period is hindered.
- *Sites allocated in the plan*
- 3.44 Finally, it is considered that again given the sites can be identified and are considered to be developable there is no objection to their inclusion within the housing land supply. Indeed, it is considered that the number of sites allocated should be increased to make up for any shortfall as a result of removing inappropriate windfall and reappraising SHLAA sites to provide improved certainty that the housing requirement can be achieved.
- 3.45 To conclude in respect of policy DS7, Meeting the Housing Requirement, there is concern in relation to the soundness of this policy as identified above. Indeed, should the housing requirement be increased in accordance with previous representations, the amount of identified housing supply would need to be increased to ensure delivery of the full objectively assessed needs and housing strategy.

Policy DS11 Allocated Housing Sites

Site Ref: HO2: Land south of Harbury Lane (excluding former sewage works)

The proposed allocation of the Land south of Harbury Lane – Site HO2 within the Local Plan is appropriate, justified, effective, deliverable, consistent with national policy and soundly based.

Land at Lower Heathcote Farm (LHF)

- 3.46 Gallagher Estates Ltd controls a large area of land (known as Lower Heathcote Farm) that forms part of a wider site identified as Site Ref: HO2. In overall terms Site HO2 is proposed to accommodate 1,505 dwellings, two new primary schools, a local centre, other community facilities and a country park. The Lower Heathcote Farm part of the overall site can effectively contribute to the delivery of these policy requirements. A Background Document relating to the site is provided separately. The Document provides a composite assessment of the suitability of the site for development, giving consideration to opportunities and constraints including ecology, landscape, transportation and access, flood risk and archaeology / cultural heritage. A copy of a Development Framework Plan showing how the site could be developed is included in the Document. This site can be delivered in the manner envisaged by the Draft Plan and to a high standard consistent with the policies for delivering sustainable communities including proposed Policy SC0 and BE1. The site is deliverable / developable in the terms identified at footnotes 11 and 12 of paragraph 47 of the NPPF. Gallagher Estates are committed to the delivery of the site.
- 3.47 All constraints can be properly taken into account. The site is available now, offers a suitable location for development now and there is every prospect that a number of houses can be delivered on the site within five years. Indeed, the site is very well advanced. A planning application was registered for this site in May 2014. The application seeks permission for up to 785 houses, a primary school, mixed use community hub / local centre, comprehensive green infrastructure including country park and site access consistent with the emerging Local Plan.
- 3.48 Cognisant of paragraph 14 of the NPPF, there are no adverse impacts in developing this site that significantly and demonstrably outweigh the benefits. There is, therefore, the potential to bring forward the site to contribute significantly to the 5 year supply of housing land. The delivery of this site will direct growth in a sustainable manner, consistent with the spatial strategy of the plan and in the spirit of the NPPF and its clear presumption in favour of sustainable development.
- 3.49 The sustainability of this site has been acknowledged through the Sustainability Appraisal process. In **environmental** terms the impact is positive. Biodiversity and geo diversity is promoted and the

protection of the historic environment is realised. The built form of the site can be defined by the landscape and topography setting and do not give rise to the loss of important views. Opportunities can be taken for positive enhancements through the approach of providing comprehensive green infrastructure including the provision of a country park and high quality, usable open space incorporating green corridors. These can ensure mitigation and enhancement in ecological terms. Further, in environmental terms, the opportunity is for positive enhancements in terms of avoiding impact for flood risk and prudently using natural resources.

- 3.50 The location of the site provides improved levels of housing in locations easily accessible to employment opportunities and provides a positive **economic** impact. A range of housing can be provided consistent with creating balanced and mixed communities. There is also the opportunity to encourage sustainable travel as the proposals include a school, local centre and opportunities for sport and recreation on site and within walking distance of the new dwellings and existing dwellings in the area. It also offers the opportunity for improved public transport and the provision of pedestrian and cycling routes throughout the site linking to the green infrastructure network and services and facilities beyond site boundaries.
- 3.51 The site provides a positive impact on **social** factors. This includes improving the availability of sustainable transport and creating balanced and mixed communities. Positive impacts arise in terms of promoting safe communities, improving health and improving community participation. This is possible given the range of services in the area or proposed as part of the scheme including the primary school, provision for open space, sport and recreation and the provision of a local centre as part of the proposal which can act as a focus for community activity.
- 3.52 In light of the above the Lower Heathcote Farm site is sustainable in the terms set out in the NPPF and the spatial strategy of the draft Local Plan. The sustainability advantages of the site are also recognised in the Sustainability Appraisal produced by the Council. This notes a number of positive impacts of the site in terms of the economy, sustainable transport, reducing the need to travel, meeting housing needs, local services and community facilities, health and well being and reducing poverty and social exclusion.

Comprehensive Development

- 3.53 The Gallagher Estates Ltd land at Lower Heathcote Farm is not proposed for development in isolation. The land forms part of a wider area to the east proposed to be allocated as part of Site HO2. In this regard, Gallagher have been liaising with adjacent land owners / developers to ensure that any development proposed at Lower Heathcote Farm does not undermine or prejudice the realisation of development on the remainder of the proposed allocated site, part of which now has planning permission. Figure 2.3 of the Background Document includes an illustrative strategic masterplan for

the area. This demonstrates how all infrastructure requirements proposed can be accommodated and how the sites integrate with one another.

Omission Site: Land South of Gallows Hill / West of Europa Way

- 3.54 In our opinion the Draft Local Plan is at risk of failing to deliver the objectively assessed housing need (see representations to Policy DS6). It is therefore necessary for the Authority to allocate additional sites to make good the shortfall. This should be done in a manner consistent with the Spatial Strategy which, for reasons set out in response to Policy DS4 is robust, credible and sound.
- 3.55 Cognisant of the above we would encourage the District Council to allocate land to the south of Gallows Hill / west of Europa Way for residential development. **It is our contention that the inclusion of the land defined as South of Gallows Hill within the Plan would be appropriate, justified, effective, deliverable, consistent with national policy and soundly based.**
- 3.56 The location of the site and its immediate surroundings is described in the Background Document (Chapter 1) accompanying the representations. This is a site, however, that is known to the District Council. It is currently subject to a planning application for up to 450 dwellings with access, open space and associated infrastructure. Pertinent, in the context of the Local Plan however, is that this site has been consistently found suitable for development by the District Council in previous versions of the Local Plan. The site was proposed for development, in association with adjoining land, both in the Preferred Options of May 2012 and in the subsequent Revised Development Strategy of June 2013.
- 3.57 The proposed allocation of the site in previous iterations of the Local Plan as part of a wider development proposal was, in our view, soundly based. The land is deliverable and developable in the terms identified in footnotes 11 and 12 of paragraph 47 of the NPPF. Gallagher Estates Ltd are committed to the delivery of the site. The site is available now, offers a suitable location for development now and there is every prospect that a number of houses can be delivered within five years. The Background Document that accompanies the representations demonstrates, cognisant of paragraph 14 of the NPPF, that there are no adverse impacts that significantly and demonstrably outweigh the benefits of developing this site. There is, therefore, the potential to bring forward the site to contribute significantly to the 5 year supply of housing land. The delivery of this site will direct growth in a sustainable manner in the spirit of the NPPF and its clear presumption in favour of sustainable development.
- 3.58 The sustainability advantages of the site at Lower Heathcote Farm as described in paragraphs 3.49 to 3.51 above apply in equal force to the land south of Gallows Hill. In this regard, it is interesting to note that the appraisal of the south of Gallows Hill site in both the Interim Sustainability Appraisal of

June 2013 which accompanied the Revised Development Strategy, in which the site was allocated in association with additional land to the immediate west, and the final SA which accompanies the Draft Plan are exactly the same. A range of positive impacts are noted in terms of the economy, sustainable transport, reducing the need to travel, meeting housing needs, local services and community facilities, health and well being and reducing poverty and social inclusion. We would agree that nothing has changed between the RDS and Draft Local Plan stage to alter or affect these conclusions of the SA that remain robust and credible.

- 3.59 There is only one reason given as to why the land South of Gallows Hill is no longer considered appropriate for allocation. This is evident when undertaking a comparison of the Interim SA and the final SA. The Interim SA concludes that development south of Gallows Hill may affect the Warwick Historic Park and Garden. It goes on to state that; *"It is considered that suitable mitigation will be set out through development management policies in the Local Plan and will also be available at the project level to address adverse effects. Effectiveness depends on detailed design and implementation..."*. In contrast, the final SA states that; *"the site was assessed in terms of the setting of heritage assets and it was concluded that the site should not be developed for housing as impacts could not be fully mitigated"*. This conclusion derives from the District Council's recently published document entitled "The Setting of Heritage Assets – Gallows Hill, Warwick" and appears to be the sole reason why the site is no longer proposed to be allocated for development.
- 3.60 The technical work undertaken by Turley Associates in relation to the omission site south of Gallows Hill / West of Europa Way is summarised in the Background Document at Chapter 5. This identifies the grave concerns that we have regarding the robustness of the Council's evidence base and draws very different conclusions in terms of the acceptability of development on the site.
- 3.61 The very detailed technical work (Chapter 5, Background Document) assesses the significance of designated heritage assets and the various elements of setting that contribute to the significance of these assets. Having done so, the conclusion is reached that only a very limited degree of harm would arise from development south of Gallows Hill / west of Europa Way. In the context of the NPPF, paragraph 134 this constitutes less than substantial harm where the harm is to be weighed against the public benefits of the proposal. Indeed this approach is advocated in proposed Policy HE4 of the Draft Local Plan. It is not the case, as advanced in the Council's evidence base and SA, that because there is harm, no matter how limited that is, that a site should not be developed. Such an interpretation is not consistent with the NPPF, is not justified and is unsound.
- 3.62 In light of the above, given the clear imperative for the District Council to allocate additional sites to meet the objectively assessed need for housing, it is requested that the land south of Gallows Hill (as shown on the Site Location Plan at Appendix 2) be reinstated into the emerging Plan as a proposed allocation for up to 450 dwellings with associated green infrastructure. This would be in the public benefit consistent with paragraph 134, NPPF as it would deliver sustainable development in a location

that would not require further incursions into the statutory Green Belt. In this regard, the illustrative Development Framework Plan provided at Chapter 3 of the Background Document demonstrates that the development of the site can be designed to be contiguous and complementary to the proposals for the proposed allocated strategic development site South of Harbury Lane. Likewise, given the extent of additional land required to meet needs, the Authority can be assured that the land south of Gallows Hill / west of Europa Way can also be developed in association with further development on land to the immediate west of the site as proposed in previous versions of the Local Plan and also the north of Gallows Hill. The development of the site can be of a high quality and is capable of accordance with the policies proposed in the Plan for creating sustainable communities including, in particular, Policy SC0 and Policy BE1.

Policy DS13: Allocation of Land for a Country Park

- 3.63 The NPPG (Design) emphasises the importance of having a system of open and green spaces and that these can make an important contribution to the quality of an area. The allocation of land for a country park adjoining the Tach Brook is commensurate with the NPPG objective and significantly exceeds the open space requirements generated by the development proposals. The Background Document accompanying the representations includes an illustrative development framework plan which shows how the site at Lower Heathcote Farm can contribute to the provision of the country park. A wider strategic development framework Plan is also provided showing how the country park can continue to the east of the Lower Heathcote Farm site as part of the south of Harbury Lane strategic site allocation. The park, as envisaged in paragraph 2.59 of the Plan, can offer an informal recreational area and provide wildlife and biodiversity links to the wider agricultural landscape to the south.

Policy DS15: Comprehensive Development of Strategic Sites

- 3.64 In responding to Policy DS11, the case is put that the land at Lower Heathcote Farm (part of the South of Harbury Lane proposed allocation) can come forward for development early, delivering housing in a manner consistent with the objective of boosting supply and making a contribution to the 5 year housing land supply. Indeed a planning application is currently before the District Council. It is important that securing early delivery is not thwarted. The requirement for either development briefs or masterplans to be approved by the Local Authority creates a risk that unnecessary delay will prevail.
- 3.65 The NPPG (Local Plans) states that: *“where sites are proposed for allocation, sufficient detail should be given to provide clarity to developers, local communities and other interests about the nature and scale of development”*. This degree of clarity is provided through the composite set of policies in the Local Plan when read in its entirety. Policies DS11, DS12, DS13, DS14, H2, H4, SC0, BE1, TR1 to

name but a few are instructive in this regard. As such the requirement for the preparation of further development plan documents in the form of additional development briefs or masterplans is not necessary. The requirement does not sit easily with Paragraph 153, NPPF which is clear that additional development plan documents should only be used where justified.

- 3.66 The explanation to the policy suggests that masterplans and development briefs are required in order to ensure the delivery of infrastructure and services. This is disputed. There are mechanisms in place to ensure that the necessary infrastructure is delivered through the application process and the proposals map is clear about what infrastructure is required and where. Proposed Policy DM1 assists in this as it sets out how development will be expected to deliver measures to mitigate its impact and ensure physical, social and green infrastructure to support development is provided. Proposed Policy DM1 points to the way in which this infrastructure can be delivered ie through developer contributions in the form of planning obligations and/or CIL contributions. The Council are also obliged to deliver an Infrastructure Delivery Plan which sets out what infrastructure is required, when it is required, how much it will cost and what part of the overall cost will require contributions from development.
- 3.67 The suggestion is also made in paragraph 2.67 that proposals are less likely to deliver a high quality, integrated development in the absence of an overall development brief or masterplan. This is disputed. The controls are within the Local Plan (eg proposed Policy BE1) to ensure high quality development is delivered. The Authority can also control the quality of the proposals coming forward through the application process as planning applications will need to be accompanied by Design and Access Statements to demonstrate the design philosophy and approach.
- 3.68 In summary, there are policies and mechanisms in place to ensure the delivery of infrastructure on the strategic sites and that high quality and integrated development is delivered. Accordingly the preparation of overall masterplans and development briefs approved by the Authority represents an extra layer of plan making which is unnecessary.

POLICY DS20 Accommodating Housing Need Arising from Outside the District

- 3.69 Reference should be made to our response to paragraphs 1.19 to 1.28 of the Draft Plan. The District Council is clearly cognisant of the requirement, contained in Section 33A of the Planning and Compulsory Purchase Act 2004, of the need to comply with the Duty to Co-operate. We are encouraged that Warwick District Council recognises its statutory obligations with regard to the Duty to Co-operate with neighbouring authorities in the preparation of their Local Plan in order to maximise its effectiveness with regard to strategic planning matters.
- 3.70 We are informed, as mentioned in the earlier section of the Plan (paras 1.19 to 1.28), that there is an

agreed process for discharging the Duty, and that this is as agreed by the Coventry and Warwickshire Shadow Joint Committee. We are encouraged by this. It is important that mechanisms are in place to ensure compliance with the Duty. It is important that further detail about this process and the results of this work are made available. The processes of discharging the Duty must be undertaken in an open and transparent way and properly recorded to enable a clear audit trail to be demonstrated.

- 3.71 As set out previously, we therefore anticipate that the Council will produce further evidence prior to the Examination to explain the process undertaken and its outcomes. This may well take the form of further evidence such as a Duty to Cooperate Statement explaining, in a full and transparent manner, how the Duty has been discharged and /or Memorandums of Understandings between the various Authorities consistent with Paragraph 181 of the NPPF. We would, of course, envisage that this will address not only the implications for Warwick arising out of the Coventry and Warwickshire Sub Region but also how cooperation has been discharged in neighbouring housing market areas, particularly the Birmingham area.
- 3.72 To conclude, given the above, we are encouraged that the District Council is being cognisant of the requirement to comply with the Duty to Co-operate. We do, however, reserve our position on whether the District Council has effectively discharged that Duty and look forward to considering this matter further on publication of the necessary attendant evidence based information.

4. PROSPEROUS COMMUNITIES

Policy PC0: Prosperous Communities

- 4.1 Policy PC0 states that the Council will promote sustainable economic development with criterion b seeking to ensure that employment opportunities are provided to balance housing growth across the District. This policy provision is supported, however there is a concern that the Plan is not effectively balancing housing and employment growth as currently drafted. In order to help support economic growth and meet the projected target (11.6% employment jobs growth) for Warwick District over the plan period, there needs to be an increase in the population, in particular the working population.
- 4.2 As set out in response to proposed Policy DS6 we have undertaken an assessment using the Chelmer Model which has an established credibility and identifies an alternative, full, objectively assessed housing requirement. This work considers the level of housing growth that would be needed, within the Plan period, in order for the District to fulfil its economic potential and to provide for projected employment growth and concludes that a housing requirement of circa 18,043 dwellings would be appropriate over the plan period (2011 to 2029). In light of this the Plan is currently failing to meet its objective, conveyed in Policy PC0, of balancing employment and housing growth given the

insufficient supply of housing as currently proposed. As such the Plan is not effective and is at risk of being found unsound.

- 4.3 As set out in response to Policy DS6, this can be overcome through an increase in the housing requirement to circa 1,000 dwellings per annum. This level of development would, in our view, ensure that employment and housing is in balance.

5. HOUSING

Overarching Policy H0: Housing

- 5.1 No objection is raised to this policy suffice to say that it adds little to Strategic Policy DS2 of the Plan which is very similar in its drafting. As set out in responding to Policy DS2 we support the Council's policy intent to provide, in full, for the Objectively Assessed Need for housing in the District. This is commensurate with the NPPF, paragraph 47. We are, however, concerned that in practice the housing requirement figure contained within the Plan at Policy DS6 (12,860 new dwellings 2011 to 2029 as derived from the SHMA) is insufficient to meet the full, objectively assessed need for housing. Please refer to our objections to Policy DS6 and the accompanying Housing Background Paper for further information.

6. SUSTAINABLE COMMUNITIES

Policy BE2: Developing Strategic Housing Sites

- 6.1 Policy BE2 is similar in intent and drafting to Policy DS15 in requiring the preparation of development briefs for the proposed strategic sites. It is therefore repetitious. Notwithstanding this, as set out in response to Policy DS15, it is considered that the need for development briefs introduces an additional layer of unnecessary development plan making. We propose Policy BE2 be deleted.

Policy TR2: Traffic Generation

- 6.2 Policy TR2 is concerned to ensure that the implications of large scale development, in respect of traffic movements and impact, is assessed. This is an approach which is consistent with the NPPF, particularly paragraph 32. In this regard the Background Documents provided for both the site at Lower Heathcote Farm and South of Gallows Hill (provided separately) demonstrate that both of the sites can be accommodated on the highway network without unacceptable adverse impact and that suitable accesses can be achieved. Indeed, a full Transport Assessment (TA) has been submitted for each of these sites in association with the planning applications currently before the Local Planning Authority. The TA demonstrates that, with mitigation as appropriate, the developments (either in isolation or combination) should not be prevented from coming forward and are commensurate with

the provisions of NPPF, paragraph 32.

Policy TR5: Safeguarding for Transport Infrastructure

- 6.3 It is noted that the Proposals Map defines, in broad terms, an area of search for a park and ride to the south of Warwick. The proposed development at Lower Heathcote Farm (part of South of Harbury Lane strategic site) and the Omission Site proposal at South of Gallows Hill / West of Europa Way do not prevent the park and ride being delivered in the future. This is consistent with Policy TR5.

Policy HS1: Healthy, Safe and Inclusive Communities

- 6.4 The content of this policy is noted. It is the case, however, that all elements of this policy are already included within other draft policies of the Plan. By way of example, providing homes to meet needs of older people is covered in Policy H0, contributing to the development of high quality, safe and convenient cycling and walking network is addressed in Policy BE1 and minimising the potential for crime and anti social behaviour is covered in proposed Policy HS7. It is therefore not clear what the policy adds to the Plan in terms of effectiveness. The Council are therefore invited to consider whether it is necessary to retain this policy in the Plan.

Policy HS3: Local Green Space

- 6.5 It is clear from the NPPF (paras 76 and 77) and the NPPG (Open space, sports and recreation facilities, public rights of way and local green space) that the designation or otherwise of Local Green Spaces is a matter directly applicable to a Neighbourhood Plan and not the District Council's Local Plan. Accordingly Policy HS3 is not appropriate for inclusion in the Local Plan. It is not clear how the Council can support the principle of Local Green Spaces without knowing the detail of them and the extent to which they meet the strict requirements of the NPPF and NPPG. Indeed, paragraph 77 of the NPPF is clear that the designation will not be appropriate for most green areas or open space.
- 6.6 At best the policy adds nothing to the NPPF and falls foul of the NPPG advice that, within a Local Plan, *"there should be no need to reiterate policies that are already set out in the NPPF"*. At worst the policy is potentially misleading as it fails to acknowledge the high bar that needs to be reached to achieve Local Green Space status and does not explain that the designation is not to be used in a manner that looks to prevent development in suitable locations to meet identified development needs (NPPG). It is not, therefore, a positively prepared policy and runs contrary to paragraph 154 of the NPPF which states that: *"only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the Plan"*. Policy HS3 is not justified, is unsound and should be deleted.

Policy HS6: Creating Healthy Communities

- 6.7 The content of this policy is noted. It is the case, however, that all elements of this policy are already included within other draft policies of the Plan. By way of example, opportunities for healthy exercise is covered SC0, with access to high quality green and open spaces addressed in Policy BE1. It is therefore not clear what the policy adds to the Plan in terms of effectiveness. The Council are therefore invited to consider whether it is necessary to retain this policy in the Plan. Notwithstanding this view, a minor correction is required to criterion (c) which appears to have some text missing at the end.

Policy CC3: Building Standards Requirements

- 6.8 The policy is generally supported as realistic and achievable and consistent with national guidance. It is considered, however, that the requirement for applicants to consider the incorporation of CHP on the strategic sites goes beyond what is justified. Paragraph 154, NPPF is clear that local plans should be aspirational but realistic. Specific reference to CHP on site is at risk, therefore, of going beyond what might reasonably be achieved. There is certainly no requirement for CHP to be provided on sites in order to meet national targets or standards. It is for the industry to develop cost effective means of delivering carbon reduction. There may well be issues in respect of viability and introducing potential obstacles to meeting housing needs. As such we do not consider it necessary or justified for the Policy to include specific reference to CHP on the strategic sites. This is at risk of being unsound and should be deleted.

Policy DM1: Infrastructure Contributions

- 6.9 Policy DM1 is targeted at delivering necessary infrastructure in association with development. No objection is raised to this approach. Paragraph 157, NPPF is clear that a strategic priority of plan making should be to: *“plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of this Framework”*. Subject, therefore, to any requests being reasonable related in scale and kind to the development proposed and CIL compliant, the policy is supported as sound.

Local Plan Policies Map Number 2: Leamington, Warwick and Whitnash

- 6.10 Given the representations made to Policy DS6 and Policy DS11 it is requested that an amendment is made to the Local Plan Proposals Map to allocate land south of Gallows Hill / West of Europa Way (as defined on the Site Location Plan contained at Figure 1.2 of the Background Document) for housing development.