

Publication Draft Representation Form 2014

For Official Only	
Person ID	
Rep ID	

This consultation stage is a formal process and represents the last opportunity to comment on the Council's Local Plan and accompanying Sustainability Appraisal (SA) before it is submitted to the Secretary of State. All comments made at this stage of the process are required to follow certain guidelines as set out in the Representation Form Guidance Notes available separately. In particular the notes explain what is meant by legal compliance and the 'tests of soundness'.

This form has two parts:

- Part A – Personal Details
- Part B – Your Representations

If you are commenting on multiple sections of the document, you will need to complete a separate Part B of this form for each representation on each policy.

This form may be photocopied or alternatively extra forms can be obtained from the Council's offices or places where the plan has been made available (see the table below). You can also respond online using the Council's e-Consultation System, visit: www.warwickdc.gov.uk/newlocalplan

Please provide your contact details so that we can get in touch with you regarding your representation(s) during the examination period. Your comments (including contact details) cannot be treated as confidential because the Council is required to make them available for public inspection. If your address details change, please inform us in writing. You may withdraw your objection at any time by writing to Warwick District Council, address below.

All forms should be received by 4.45pm on Friday 27 June 2014

To return this form, please deliver by hand or post to: Development Policy Manager, Development Services, Warwick District Council, Riverside House, Milverton Hill, Leamington Spa, CV32 5QH or [email: newlocalplan@warwickdc.gov.uk](mailto:newlocalplan@warwickdc.gov.uk)

Where to see copies of the Plan

Copies of the Plan are available for inspection on the Council's web site at www.warwickdc.gov.uk/newlocalplan and at the following locations:

Warwick District Council Offices, Riverside House, Milverton Hill, Royal Leamington Spa
Leamington Town Hall, Parade, Royal Leamington Spa
Warwickshire Direct Whitnash, Whitnash Library, Franklin Road, Whitnash
Leamington Spa Library, The Pump Rooms, Parade, Royal Leamington Spa
Warwickshire Direct Warwick, Shire Hall, Market Square, Warwick
Warwickshire Direct Kenilworth, Kenilworth Library, Smalley Place, Kenilworth
Warwickshire Direct Lillington, Lillington Library, Valley Road, Royal Leamington Spa
Brunswick Healthy Living Centre , 98-100 Shrubland Street, Royal Leamington Spa
Finham Community Library, Finham Green Rd, Finham, Coventry

Where possible, information can be made available in other formats, including large print, CD and other languages if required. To obtain one of these alternatives, please contact 01926 410410.

Part A - Personal Details

	1. Personal Details*	2. Agent's Details (if applicable)
	* If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in section 2.	
Title	Mr	Mr
First Name	Bernard	Tom
Last Name	Swindells	Armfield
Job Title (where relevant)		
Organisation (where relevant)	C/o Agent	
Address Line 1		
Address Line 2		
Address Line 3		
Address Line 4		
Postcode		
Telephone number		
Email address		

3. Notification of subsequent stages of the Local Plan

Please specify whether you wish to be notified of any of the following:

The submission of the Local Plan for independent examination Yes No

Publication of the recommendations of any person appointed to carry out an independent examination of the Local Plan Yes No

The adoption of the Local Plan. Yes No

Part B - Your Representations

Please note: this section will need to be completed for each representation you make on each separate policy.

4. To which part of the Local Plan or Sustainability Appraisal (SA) does this representation relate?

Local Plan or SA:	<input type="text" value="Local Plan"/>
Paragraph Number:	<input type="text"/>
Policy Number:	<input type="text" value="Policy DS11 (Allocated Housing Sites)"/>
Policies Map Number:	<input type="text"/>

5. Do you consider the Local Plan is :

5.1 Legally Compliant?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
5.2 Complies with the Duty to Co-operate?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
5.3 Sound?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

6. If you answered no to question 5.3, do you consider the Local Plan and/or SA unsound because it is not: (please tick that apply):

Positively Prepared:	<input checked="" type="checkbox"/>
Justified:	<input checked="" type="checkbox"/>
Effective:	<input checked="" type="checkbox"/>
Consistent with National Policy:	<input type="checkbox"/>

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7. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

This policy identifies the sites to be allocated for housing development. In the context of Burton Green, the site at Burrow Hill Nursery (Site Reference H24) is allocated for 60 dwellings.

HS2

Within Warwick District, HS2 will primarily impact the village of Burton Green, with a cut and cover tunnel being constructed through the village, affecting the south of the village, in the vicinity of the proposed housing allocation at Burrow Hill Nursery. Volume 2 of the HS2 Environmental Statement specific to Stoneleigh, Kenilworth and Burton Green Community Forum Area (hereafter referred to as "ES CFA.18") assesses the likely impacts to Burton Green of HS2.

The Indicative Construction Programme, contained in Figure 5 of the ES CFA.18, identifies that the construction of HS2 within Burton Green, including the tunnel, will commence in 2018 and will not be completed until 2024, when the auto-transformer feeder station satellite compound is removed from Hodgetts Lane. A copy of the Indicative Construction Programme is enclosed.

Map CT-05-099 (copy attached) identifies the land in Burton Green required for construction of HS2, including the location of the construction compounds. The tunnel South Portal Satellite Compound is located to the north of the Burrow Hill Nursery site and as such Hob Lane bounding the site to the west and Red Lane bounding the site to the north form part of the construction traffic route, as shown in Map TR-03-103 (copy attached). Table 22 of ES CFA.18 (copy also enclosed) indicates that, **daily for at least three years and six months, between 60 and 75 HGV two-way movements** and between **140 and 165 car and light good vehicle two-way movements** associated with the construction of HS2 in Burton Green. In relation to these movements, paragraph 4.4.10 acknowledges that "construction activity could also affect local air quality through the emissions associated with additional traffic generated on roads as a result of construction traffic routes, temporary road realignments and changes to traffic patterns arising from temporary road diversions" (extract of paragraph enclosed).

It also noted that in order to construct the tunnel, Cromwell Lane will be closed for a minimum of 6 months, severing the southern section of the village, including the site at Burrow Hill Nursery, from the north of the village. Indeed paragraph 5.4.22 of the ES CFA.18 assesses this as giving rise to a major adverse isolation effect to the community of Burton Green, which is significant". An extract of this paragraph is enclosed.

On the basis of the above it is unlikely that housing will be provided at the Burrow Hill Nursery site before construction of HS2 is complete. Bearing in mind the point that the Hybrid Bill for HS2 Phase One is only at the Committee Stage, a General Election is scheduled for 2015, and the delays experienced to date with the project, there is a significant possibility that the HS2 timetable will fall further behind, suggesting that the construction timetable for Burton Green is ambiguous at best.

Once operational, maps SV-01-050b and SV-02-050b (copies of both plans are attached) identify that part of the Burrow Hill Nursery site is likely to experience some potential noise effect, which may further jeopardise the deliverability of the site. HS2 Ltd anticipate that, once operational, there will be 14 trains per hour in each direction.

The impacts of HS2 on the Burrow Hill Nursery site are acknowledged, to some degree, by the Council in their Strategic Housing Land Availability Assessment (SHLAA), published in May 2014, which states that the site has potential "for up to 60 [houses] over the period 2014-2029, subject to HS2 issues" (our underlining). Neither the SHLAA document, nor the Local Plan Publication Draft, outlines how these issues relating to HS2 will be resolved.

In light of the above it is considered that HS2 is likely to impact the deliverability of the Burrow Hill Nursery site and ultimately render the site undeliverable within the Plan Period of 2011-2029.

Notwithstanding the deliverability of the Burrow Hill Nursery site, there is also concern that the Local Plan does not address the potential net loss of dwellings resulting from the construction of HS2. A number of properties are to be demolished and a further 25 properties are likely to experience 'Major Adverse Effects' during construction (Paragraph 5.4.21 of the ES CFA.18 – extract enclosed). It is anticipated that a number of these properties will become vacant during construction given the likely impacts and there is concern whether these properties would remain vacant once HS2 is operational given their proximity to the line, resulting in abandonment of these dwellings. It is therefore our view that additional housing, to that proposed in the Local Plan, should be allocated in Burton Green. The site at and to the rear of the Peeping Tom Public House would be suitable for meeting this need given its mitigating distance from HS2, away from all construction and residual effects.

Given the above issues outlined in respect of emerging Policy DS11 and the constraints to the deliverability of the proposed allocation at the Burrow Hill Nursery site in Burton Green, it is our view that the Local Plan is not effective. It would be appropriate to reassess the sites to be allocated within the village and include the allocation of the site at and to the rear of the Peeping Tom Public House, which is a sufficient distance from the proposed route of HS2 and the associated construction operations to ensure it does not compromise the deliverability of the site.

Evidence Base – Landscape Sensitivity and Ecological & Geological Study (November 2013) and Strategic Housing Land Availability Assessment (May 2014)

The site selection process used to determine the sites to be allocated for housing in the Local Plan is informed by the 'Landscape Sensitivity and Ecological & Geological Study' (hereafter referred to as "the Study"), published in November 2013.

In assessing the ability for Land Covered Parcels (LCP) within the Green Belt to accommodate residential development as part of the Evidence Base for the Local Plan, the first version of the Study failed to assess LCP BG_10, which the site at and to the rear of the Peeping Tom Public House sits within.

Following the error an update to the Study was published in April 2014 including an appraisal of LCP BG_10. The appraisal of the LCP states that the parcel has a "High" landscape sensitivity to housing development, given the parcel's rural character and openness, and it having "no relationship to the settlement and is part of the wider farmed landscape". The appraisal also considers the loss of hedgerows has created a relatively open but framed landscape with scatters over mature hedgerow trees punctuating the skyline.

The LCP covers a much wider area than just the Site and is predominantly rural in nature, except where it bounds the settlement edge of Burton Green. As such the LCP is considered to be too large to appropriately assess the Site and its location adjacent to the urban edge of Burton Green. It is therefore our view that a more detailed and robust assessment of the specific sites, put forward as options within the VHOSB document, rather than assessing wide expanses of land. Moreover, whilst it is appreciated that the lack of assessment of Burton Green within the Study was an anomaly rather than by design, there is concern that the findings of the update were influenced by the decision already taken to allocate the Burrow Hill Nursery site for residential development.

A robust, site specific assessment of the Site is provided within the Green Belt and Landscape and Visual Report of the Site, prepared by Barton Willmore in January 2014, a copy of which was submitted with the previous Representations submitted to the VHOSB document and is enclosed with this letter. The report considers that in landscape and visual terms "there is potential to establish residential development within the Site". Indeed the physical and visual containment provided by residential properties to the north and east along Cromwell Lane, and the robust landscape structure created by the mature treebelts to the west and south, would enable the Site to appropriately accommodate housing with limited adverse landscape and visual effects. In terms of its contribution to the Green Belt, the report considers that the Site is as suitable for inclusion as a site allocation within the Local Plan as the Burrow Hill Nursery site.

Given the discrepancy between the Study and Barton Willmore's Green Belt and Landscape and Visual Report, and the lack of a focused consideration of the site at and to the rear of the Peeping Tom Public House, it is our view that emerging Policy DS.11 is not justified as it is not based on proportionate evidence.

In terms of the Strategic Housing Land Availability Assessment (SHLAA), published in May 2014, the assessment of the site at Burrow Hill Nursery highlights a number of potential impacts of development at the site; including impact on an area of high landscape value given the majority of the land is of high landscape sensitivity. Despite this landscape sensitivity, the site is assessed as “potentially achievable subject to overcoming layout and landscaping considerations”. In contrast, the assessment of the site at and to the rear of the Peeping Tom Public House does not identify any potential landscape sensitivity issues, instead just identifying impacts on existing built form and the relationship with the existing village.

In light of the above concerns regarding the site selection process, informed by the Study and the SHLAA, it is our view that the Local Plan is not based on proportionate evidence and therefore is not justified.

8. **Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at 7. above where this relates to soundness. (Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be**

helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

It is considered that a further Green Belt Review is undertaken in the first instance to examine each potential development site put forward as options in the VHOSB document, as opposed to only appraising larger parcels of land, to ensure that the Local Plan is based on proportionate evidence and is justified.

As discussed in our response to emerging Policy DS7, it is considered that the requirement for Burton Green should be increased to 90, at the top end of the range identified in the VHOSB. This is considered sufficient to meet the loss of dwellings and potential abandonment of housing resulting from HS2, as well as making a contribution to meeting the shortfall in Warwick’s objectively assessed housing need, as outlined above in relation to Policies DS2 and DS6. This would ensure that the Local Plan is positively prepared, meeting its objectively assessed need for housing and addressing the impacts of HS2.

Notwithstanding the necessary increase to the housing requirement for Burton Green, there are issues with the deliverability of the proposed allocation at the Burrow Hill Nursery site in Burton Green given its constraints in relation to HS2. In this instance, it would be appropriate to reassess the sites to be allocated within the village and include the allocation of the site at and to the rear of the Peeping Tom Public House given its deliverability and the point that it is not compromised by the construction or residual effects of HS2. This would ensure that the Local Plan is effective.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. **After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues** he/she identifies for examination.

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9. If your representation is seeking a modification, do you consider it necessary to participate at the oral **part of the examination?**

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

10. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

We wish to reserve the right to participate at the oral part of the Examination to emphasise the proposed amendments to emerging Policy DS11.

Continue on a separate sheet if necessary

Please note: This written representation carries the same weight and will be subject to the same scrutiny as oral representations. The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

11. Declaration

I understand that all comments submitted will be considered in line with this consultation, and that my comments will be made publicly available and may be identifiable to my name/organisation.

Signed:

TOM ARMFIELD

Date :

18th JUNE 2014

Copies of all the objections and supporting representations will be made available for others to see at the Council's offices at Riverside House and online via the Council's e-consultation system. Please note that all comments on the Local Plan are in the public domain and the Council cannot accept confidential objections. The information will be held on a database and used to assist with the preparation of the new Local Plan and with consideration of planning applications in accordance with the Data Protection Act 1998.

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