

## LOCAL PLAN – PUBLICATION DRAFT REPRESENTATION FORM 2014

### PART B - YOUR REPRESENTATIONS

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

Local Plan or SA - Both

Paragraph Numbers:

Local Plan

Policy 2. Development and Strategy - DS9 and paragraph 2.35.

Policy 4. Housing – HO; H2; H4 in particular paragraphs 4.41, 4.42 and 4.43; H5 and H8

Policy 5. Transport - TR1 (Access and Choice) and paragraphs 5.29, 5.31, 5.32 and 5.33

Policy 5. Sustainable Communities- paragraphs 5.3 and 5.9

Policy 6. Delivery and Monitoring – paragraphs 6.7, 6.8 and 6.9

Draft Infrastructure Delivery Plan, paragraph 1.3 and Table U1 and U5.

Sustainability Appraisal Report (SA) - Appendix VI in respect of the Hampton Magna Site (pages 26-29),

Policy Number:

Local Plan

Policy 2. Development and Strategy;

Policy 4. Housing.

Policy 5. Transport.

Policy 5. Sustainable Communities

Policy 6. Delivery and Monitoring

Policies Map Number – Map 27

### 7. DETAILS

*Note1: All representations made in respect of previous consultations on the Local Plan still stand.*

*Note2: Relevant extracts from legislation and national policies referenced in this Section 7 are set out after Section 8.*

#### **DETAILS OF WHY THE LOCAL PLAN IS CONSIDERED NOT TO BE LEGALLY COMPLIANT:**

The Housing Policy in the Local Plan is not legally compliant because it fails to comply with Section 19(2)(a) of the Planning and Compulsory Purchase Act 2004 which states that in preparing the plan the local planning authority must have regard to national policies and advice. By paragraph 50 of the National Planning Policy Framework (NPPF), local planning authorities should plan for a mix of housing based on the needs of different groups in the community such as people wishing to build their own homes). By paragraph 159 of the NPPF, local planning authorities should address the needs of different groups in the community such as people wishing to build their own homes.

The Local Plan Policy 4 (Overarching Policy: HO Housing) states it will ensure new houses will deliver the mix of housing to meet identified needs. Policy H2 specifically recognises and seeks to address affordable housing by the use of a Housing Needs Survey but such a survey completely ignored the needs of people wishing to build their own homes. The Local Plan also specifically recognises and seeks to address the need for Gypsy and Traveller Sites (Policy H8) as it obliged to do pursuant to

footnote 34), Mix of Housing (Policy H4) and Specialist Housing for Older people (Policy H5), etc.

However the Local Plan housing policy makes no attempt to identify and assess the needs of people wishing to build their own homes and hence it is non compliant with paragraphs 50 and 59 of the NPPF. Therefore it has failed to have regard to national policies and advice and so it is not Legally Compliant. This is particularly strange given the emphasis of a high quality built environment within its Policy 5 (Sustainable Communities) as “self build” homes are known for meeting this requirement.

This is not a minor issue. Government announcements have made it clear that this is regarded as a key issue (Reference: House of Commons Library, Self-built housing sector, Standard Note: SN06784) 22 May 2014) and because some Local Authorities are not complying with this requirement the government is seeking to implement further legislation on this matter.

#### **DETAILS OF WHY THE LOCAL PLAN IS CONSIDERED NOT TO BE SOUND:**

##### **NOT POSITIVELY PREPARED:**

The plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements ... and consistent with achieving sustainable development. It fails to do this in respect of a number of policies in so far as they relate to Hampton Magna. These are set out as follows.

##### **Transport.**

The Transport Policy, in so far as it affects Hampton Magna, is not positively prepared because it fails to adequately assess the impact of increased traffic volumes and resulting traffic congestion upon access to and from Hampton Magna.

The development assessment for the Hampton Magna Site is set out in the SA. Appendix VI of the SA (pages 26- 29) (Objective 2) recognizes the increased volumes of traffic and traffic congestion at A46/A4177/A435 Stanks Junction as a having a major negative impact.

In addition, the Warwick District Policy Map in respect of Hatton Park (reference Map 21) provides for the proposed houses to be located in a reduced area to that originally proposed. Therefore the potential exists to further increase future housing development on the Hatton Park site which will add even greater traffic volumes on to the Birmingham Road. Employment related development to the IBM site (Opus 40) (Reference: Development and Strategy – DS9 and paragraph 2.35) would also add to the traffic volumes in the vicinity.

There is already significant traffic congestion to and from Budbrooke village at peak times. This is due to the fact that access in and out of Budbrooke village is by way of a single road. At one end, Old Budbrooke Road becomes a single lane under the railway bridge approaching Warwick Parkway Railway Station and this is controlled by a four-way alternating traffic lights system which allows only a few vehicles at a time in and out of the village. The alternative access route from Old Budbrooke Road is through Hampton on the Hill and onto the Hampton Road but this is subject to two narrow access points in Hampton on the Hill which are subject to priority give way lane control arrow signals resulting in potential choke points in and out of Hampton on the Hill. In addition Hampton Road is subject to traffic queues forming down the hill into Warwick thus forming an impediment to exit.

The overall effect is that at peak times traffic congestion and delays are experienced. If there is a traffic incident in a nearby motorway this causes huge traffic build up in areas surrounding Budbrooke Village which further exacerbates the situation.

This congestion will be further adversely impacted with the increase in extra traffic volumes and congestion resulting from proposed developments at Hatton Park and Opus 40.

The Local Plan paragraph 5.29 recognises congestion as a significant issue and the proposed solution to traffic congestion is set out in Local Plan, paragraph 5.3.1 and this refers to a “high priority

preferred option of improvements to major congestion hotspots". The Strategic Transport Assessment Modelling considers the reduction of traffic queues. However these do not show how this will enable safe and suitable access to and from Budbrooke village at peak times even without the proposed additional 100 homes at Hampton Magna. When combined with the proposed 100 additional houses in Hampton Magna this is likely to result in complete gridlock at peak times.

Therefore the Local Plan does not adequately assess the impact of the above on transport access to and from the Hampton Magna site

### **Infrastructure - Utilities**

The Local Plan in respect of Hampton Magna is not positively prepared because it fails to adequately recognise or address the current poor state of existing electricity, drainage and sewerage infrastructure and the impact of 100 new houses on this. This has been raised in numerous representations but has been ignored and is not addressed in the Local Plan or the SA. For many years both Warwick District Council and Severn Trent Water have known of the extremely poor condition of both the electricity system and the drains and sewerage pipes at Hampton Magna and yet no action has ever been taken to remedy the problem. To subject the existing utilities to the additional strain of 100 new houses would be irresponsible in the absence of a specific assessment and action plan.

The SA in respect of Hampton Magna completely fails to address this matter.

Local Plan Draft Infrastructure Delivery Plan Table U1 (High Voltage Electricity Transmission System) states, "The transmission system will have the capacity to accommodate the additional demand" but there is no development plan in respect of the local electricity distribution system at Hampton Magna.

Local Plan Draft Infrastructure Delivery Plan Table U5 (Sewerage and Water) states, "Severn Trent Water's investment plans for drainage, sewerage and sewerage treatment mean that the development proposals can be accommodated". However there appears to be no published evidence to demonstrate that infrastructure requirements in respect of Hampton Magna have been objectively assessed consistent with achieving sustainable development.

If Severn Trent Water has fully assessed this and has plans in place to clearly address this matter then they need to be published and scrutinized before approval of the Local Plan. If no such assessment has occurred then the Local Plan has not been positively prepared.

**NOT EFFECTIVE**

### **Transport.**

In respect of Hampton Magna, in its current form, the Transport plan is not effective because sustainable development is not deliverable if safe and suitable access in and out of Hampton Magna is not adequately provided for at peak times. It will also result in consequential impacts which further challenge the assertion that it is sustainable development. Not only are private vehicle journeys adversely impacted for the reason stated under the heading "Not Positively Prepared" but also public transport journeys at peak times (which are already over an hour to Leamington) will be further delayed. In addition, it could result in emergency services vehicle access being delayed or prevented at peak times and could even result in loss of life. This, together with increased noise and air pollution, will have a major negative impact on health and well being (contrary to the major positive impact given in the SA Appendix VI (Objective 14)).

### **Infrastructure - Utilities**

In respect of Hampton Magna, in its current form the Infrastructure plan is not effective because sustainable development will not be deliverable if the existing electricity system and the drainage, sewerage and sewerage treatment at Hampton Magna is unable to cope with proposed 100 new houses development. The Local Plan does not show that a proper assessment has been undertaken or that there is a work plan fully funded to enable its delivery. Paragraph 1.3 of the Infrastructure Delivery Plan says that "at this stage the Infrastructure Delivery Plan requires some refining in specific areas, particularly in relations to costs and timing of delivery" but this is not a marginal issue, it is core

to delivery of sustainable development.

### **NOT JUSTIFIED**

The plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

### **Local Services and Community Facilities - Schools**

It is our contention that an additional 100 houses at Hampton Magna is not the most appropriate strategy because elements of the assessment do not properly take into account proportionate evidence. The development assessment under the SA Appendix VI in respect of Hampton Magna – Objective 13 (Local Services and Community Facilities) states, “the capacity of existing services and facilities is unknown, therefore the effect is considered uncertain.” This is not correct. Previous representations by Hampton Magna Residents’ Association and numerous residents have explained that Budbrooke School is already struggling with numbers due to rising population. To add a further 100 houses will inevitably put further strain on educational resources. However the Objective 13 assessment is neutral, it makes no attempt to recognise this issue or address how it is to be resolved and states that “No further local service or community facility development is planned at the potential allocation sites.” The Objective 13 assessment should be regarded as a major negative impact as this clearly outweighs possible uncertainties in other areas and insufficient weight has been given to such an impact. A significant increase of 100 houses is not sustainable and not justified in the absence of adequate schooling to satisfy the additional population growth commensurate with such an expansion.

### **NOT CONSISTENT WITH NATIONAL POLICY**

#### **Housing**

The Local Plan in its current form fails to comply with for a key policy in paragraph 50 and paragraph 159 of the NPPF and thus fails to comply with National Policy. The arguments in respect of Not Legally Compliant are already detailed in our submission under that heading and so we will not repeat the text here but they also apply to Not Consistent with National Policy.

#### **Transport**

The Local Plan in its current form is not consistent with National Policy because it fails to comply with paragraph 32 of the NPPF. This policy is recognized by SA Appendix III, page 65 (Objectives, Targets and Indicators). The Transport Policy (TR1- Access and Choice) states, “Development will only be permitted which provides for safe, suitable and attractive access routes for ... vehicles... .” It also states “Development proposals will be expected to demonstrate they ... are designed to provide suitable access and circulation for a range of transport modes... .”

In the absence of a realistic assessment necessary to satisfy the test of Positively Prepared and a proven solution necessary to satisfy the Effective test, it is our contention that the Local Plan has not demonstrated compliance with paragraph 32.

#### **Infrastructure - Utilities**

The Local Plan in its current form does not show that the local authority has worked with providers to assess the quality and capacity of infrastructure for utilities and in the absence of the assessment necessary to satisfy the test of Positively Prepared it is our contention that the Local Plan fails to comply with paragraph 162 of the NPPF.

## **8. Modifications necessary to make the Local Plan legally compliant or sound.**

### **LEGALLY COMPLIANT**

#### **Housing**

The Local Plan should be amended to ensure that Section 19 of the Planning and Compulsory Purchase

Act 2004 and the NPPF paragraphs 50 and 159 are satisfied by setting out a program to commission and circulate a survey to residents to establish the extent of the demand for people to build their own homes. It should publish the results of the survey and act upon its findings, so that where a need has been identified at a particular site it should set aside a percentage of that site to enable those interested parties to acquire such land for the purposes of building their own homes.

Local Plan should be amended to recognise the right of people to build their own homes as a benefit in line with NPPF policy and recognise it as enhancing aspects of the Local Plan Policy 5 in respect of the provision of employment and economic development (paragraph 5.3), and the encouragement of positive impacts on the environment such as reduction in carbon emissions and mix of housing (paragraph 5.9)..

This must be implemented before the Local Plan is approved.

## **SOUND**

### **POSITIVELY PREPARED**

#### **Transport**

A specific plan should be prepared and published to demonstrate how safe and suitable access in and out of Hampton Magna can be achieved. Until this is implemented no further development should be permitted. It is our contention that no adequate case has been made to demonstrate that there is a demand of 100 additional houses or that such a figure is sustainable given the arguments made in this representation in respect of site access.

#### **Infrastructure - Utilities**

The Local Plan should be modified in respect of Hampton Magna to provide for a detailed assessment of the existing state of the Hampton Magna electricity distribution system and drainage and sewerage system and the work necessary to renew it, remedy existing problems and enable new houses to be added. It will also be essential to quantify the cost of this and determine who will pay for it.

If such an assessment shows that development may be deliverable provided necessary investment is made to accommodate the impact of extra houses on the existing housing infrastructure, then it will be essential to detail the investment necessary to deliver the work, quantify its cost and determine who will pay for it.

If the developer is expected to contribute to these costs then the viability of this must be shown by a Viability Assessment undertaken in accordance with Policy 6 (Delivery and Monitoring) and pursuant to paragraph 173 of NPPF. This must occur before approval for the additional 100 houses is confirmed.

## **JUSTIFIED**

#### **Schools**

As stated in Section 7, a housing increase of 100 houses is not sustainable and not justified in the absence of adequate schooling to satisfy the additional population growth commensurate with such an expansion. Only a substantial reduction in the number of houses is likely to address this issue.

## **EFFECTIVE**

#### **Infrastructure - Utilities**

Whether the development of additional houses at Hampton Magna is effective, i.e. deliverable over its period, will be dependent on whether necessary investment is made to accommodate the impact of extra houses on the existing infrastructure. If the cost of such investment is to be paid by Severn Trent Water then this should be confirmed before build permission is approved. If the developer is expected to pay for all or part of the investment then it will be necessary to ensure the viability and

deliverability of the housing development pursuant to paragraph 173 of the NPPF. All of this must occur before planning approval for additional homes is given.

## CONSISTENT WITH NATIONAL POLICY

### Housing

The plan should be amended to ensure that NPPF paragraphs 50 and 159 are complied with by setting out a program to commission the creation and circulation of a survey to residents to establish the extent of the demand for people to build their own homes. It should publish the results of the survey and act upon its findings, so that where a need has been identified at a particular site it should set aside a percentage of that site to enable those interested parties to acquire such land for the purposes of building their own homes.

The Local Plan should be amended to recognise the right of people to build their own homes as a benefit in line with NPPF policy and recognise it as enhancing aspects of the Local Plan Policy 5 in respect of the provision of employment and economic development (paragraph 5.3), and the encouragement of positive impacts on the environment such as reduction in carbon emissions and mix of housing (paragraph 5.9).

### Transport

The Local Plan should provide for a realistic assessment necessary to satisfy the test of Positively Prepared and a proven solution necessary to satisfy the Effective test in order to demonstrate compliance with paragraph 32.

### Infrastructure - Utilities

The Local Plan should provide for assessment necessary to satisfy the test of Positively Prepared and ensure investment, viability and deliverability necessary to satisfy the Effective test in order to demonstrate compliance with paragraph 162.

---

## LEGISLATION AND NATIONAL POLICY EXTRACTS

*Note: this representation has added the bold underlined highlights within the following texts for emphasis.*

Planning and Compulsory Purchase Act 2004 - Section 19 states:

**“ 19 Preparation of local development documents**

- (1) Local development documents must be prepared in accordance with the local development scheme.
- (2) In preparing a local development document the local planning authority must have regard to—
  - (a) national policies and advice contained in guidance issued by the Secretary of State; ... . “

The NPPF (Section 6. Delivering a wide choice of high quality homes) Paragraph 50 states:

“50. To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- **plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)**;
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; ... .”



The NPPF – Housing - Paragraph 159 states:

“159. Local planning authorities should have a clear understanding of housing needs in their area. They should:

- prepare a Strategic Housing Market Assessment to assess their full housing needs ... The Strategic Housing Market Assessment should **identify the scale and mix of housing** and the range of tenures that the local population is likely to need over the plan period **which:**
  - ...
  - **addresses the need for all types of housing, including** affordable housing and **the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and **people wishing to build their own homes**);**<sup>34</sup> [refers to provision of Gypsy and Traveller Sites] and
  - caters for housing demand and the scale of housing supply necessary to meet this demand;  
... .”

NPPF Policy (Transport) paragraph 32 states:

“32. All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

...

**safe and suitable access to the site can be achieved for all people;**

... .”

The NPPF states:

**“Infrastructure**

162. Local planning authorities should work with other authorities and providers to:

- assess the quality and capacity of infrastructure for transport, water supply, wastewater and its treatment, energy (including heat), telecommunications, utilities, waste, health, social care, education, flood risk and coastal change management, and its ability to meet forecast demands; ... .”

The NPPF states:

**“Ensuring viability and deliverability**

173. Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.”

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

1. Although the reasons for the objection have been included in this representation, there are still important arguments that are best made by the oral part of the examination and so the Residents' Association would like the opportunity to present these arguments to ensure that all aspects of the representation are fully considered. For example the impact on transport access may be better explained by reference to a road map of the area and this is difficult to demonstrate in written format.
2. The representation refers to other documents and it is necessary to have the opportunity to elaborate on some of these in more detail.
3. There should be an opportunity for the inspector to seek clarification of any issues that he/she considers pertinent.