

# LOCAL PLAN

helping shape the district



## Consultation on Proposed Modifications (2016) Response Form

For Official Only	
Person ID	
Rep ID	

Please use this form if you wish to support or object to the Proposed Modifications

This form has two parts:

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

If your comments relate to more than one proposed Modification you will need to complete a separate Part B of this form for each representation.

This form may be photocopied or alternatively extra forms can be obtained from the Council's offices or places where the Modifications have 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](http://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 returned by **4.45pm on Friday 22 April 2016**

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 documents:

Copies of the proposed Modifications, updated Sustainability Appraisal and all supporting documents are available for inspection on the Council's web site at [www.warwickdc.gov.uk/newlocalplan](http://www.warwickdc.gov.uk/newlocalplan) and also 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, CV3 6EP



## 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	
First Name	QUENTIN	
Last Name	SOLT	
Job Title (where relevant)	N/A	
Organisation (where relevant)		
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 Modifications to the appointed Inspector

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

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Rep ID:

# Part B - Your Representations

Please note: this section will need to be completed for each representation you make

## 4. To which proposed Modification to the Submission Plan or the updated Sustainability Appraisal (SA) does this representation relate?

Modification or SA:

MODIFICATION

Mod. Number:

MOD 19

Paragraph Number

Mod. Policies Map Number:

MAP 21 SITE H53

## 5. Do you consider the Local Plan is :

5.1 Legally Compliant?

Yes  No

5.2 Sound?

Yes  No

## 6. If you answered no to question 5.2, do you consider the Proposed Modification is unsound because it is not:

(Please tick)

Positively Prepared:

Justified:

Effective:

Consistent with National Policy:

7. Please give details of why you consider the Proposed Modifications to the Submission Warwick District Local Plan are not legally compliant or are unsound. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Proposed Modifications, please also use this box to set out your comments.

Please see the attached paper headed  
"Site H53 - objection"

Continue on a separate sheet if necessary

8. Please set out what change(s) you consider necessary to make the Proposed Modifications to the Submission Warwick District Local Plan legally compliant or sound, having regard to the test you have identified at Question 5 above where this relates to soundness. You will need to say why this change will make the Local Plan/Sustainability Appraisal 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.

Remove Site H53 from the LOCAL PLAN.

DRAFT

Continue on a separate sheet if necessary

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested changes, as there will not normally be a subsequent opportunity to make further representations. 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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Rep ID:

9. If your representation is seeking a change, 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:

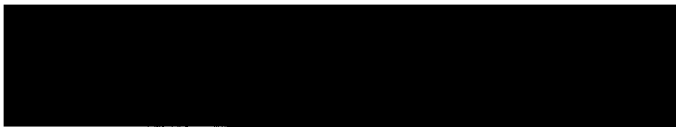
Continue on a separate sheet if necessary

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:



Date:

21<sup>st</sup> April 2016

Copies of all the comments 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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### Site H53 - objection

This paper is submitted on behalf of a resident's group known as "FRoG" (Friends of the Green Belt). FRoG is recognised by the Planning Authority and has participated in two previous planning enquiries (see for example Report APP/T3725/A/13/2192556).

This paper constitutes an objection to Site H53 which was included in the modified draft Local Plan submitted to Mr Kevin Ward of the Planning Inspectorate in February or March 2016.

This paper is in three parts:

- SECTION A – Comments on the Sustainability Assessment
- SECTION B – Local planning considerations
- SECTION C - National Planning Policy Framework

### SECTION A – Comments on the Sustainability Assessment

The only Sustainability assessment to have been published in respect of H53 is that included on pages 38-40/57 of Appendix III (SA Addendum Report) attached to the Warwick District Council Local Plan: Proposed Modifications Sustainability Appraisal Addendum Report dated February 2016.

#### Sustainability Proposal assessment summary

The summary of the appraisal is copied below:

Site Boundary Green Lane Site & Approx. Capacity: 55 dwellings SMAA Ref: R187																
SA Objectives	Economy	Sustainable transport	Reduce need to travel	Waste & Recycling	Prudent use of land and natural resources	Natural environment & landscapes	Built environment	Historic environment	Air, water & soil quality	Climate change mitigation	Climate change adaptation - flood risk	Housing needs	Local services & community facilities	Health & well being	Poverty & social exclusion	Crime
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Appraisal Summary	+	+	-	-	-	-?	?	-	-	-	-	+	+	+	-?	+

#### Categories of Significance

The following table is copied from page 1/26 of Appendix I (Fresh SA of Strategic Options – Growth and Broad Location) to the Warwick District Submission Local Plan (Proposed Modifications) SA Addendum Report dated December 2015 attached to the Warwick District Council Local Plan: Proposed Modifications Sustainability Appraisal Addendum Report dated February 2016.

Significance	Assessment	Sustainability Effect
	Major Positive	Proposed development encouraged as would resolve existing sustainability problem
	Minor Positive	No sustainability constraints and proposed development acceptable
	Neutral	Neutral effect
?	Uncertain	Uncertain or Unknown Effects
-	Minor Negative	Potential sustainability issues: mitigation and/or negotiation possible
	Major Negative	Problematical and improbable because of known sustainability issues; mitigation likely to be difficult and/or expensive

### Summary

The following summary objectives are taken from Table 2.6 on pages 15/111 et seq of the Warwick District Council Publication Draft Local Plan SA Report published in April 2014. That Table also include the "Assumptions and Thresholds" for the Categories of Significance, these assumptions are not copied in full here (but are referred to as appropriate in the following text).

The first column represents the SA Objective number, the second column the description of the SA, the third column the assessment as stated in Appendix III to the February 2016 Addendum Report and the fourth column the appraisal suggested on the basis of the more detailed analysis and narrative included in paragraphs 1 to 16, below.

SA#	SA description	Feb 2016	Proposed
1	To have a strong and stable economy	Minor positive	Neutral
2	To enable a range of sustainable transport options	Minor positive Minor negative	Major negative
3	To reduce the need to travel	Minor negative	Minor negative
4	To reduce the generation of waste and increase recycling	Neutral?	Minor negative
5	To ensure the prudent use of land and natural resources	Major negative	Major negative
6	To protect and enhance the natural environment	Minor negative? Neutral	Major negative
7	To create and maintain safe, well designed, high quality built environments	Uncertain	Minor negative
8	To protect and enhance the historic environment	Neutral	Neutral
9	To create good quality air, water and soils	Major negative	Major negative
10	To minimise the causes of climate change by reducing greenhouse gases and increasing the proportion of energy generated from renewable and low carbon sources.	Minor negative	Minor negative



11	To adapt to the predicted impacts of climate change including flood risk	Neutral	Minor negative
12	To meet the housing needs of the whole community (ensuring the provision of decent and affordable housing for all, of the right quantity, type, size and tenure)	Minor positive	Minor positive (lowest possible)
13	To protect, enhance and improve accessibility to local services and community facilities	Minor positive	Minor negative
14	To improve health and well being	Minor positive Minor negative?	Minor negative
15	To reduce poverty and social exclusion	Minor positive	Minor positive
16	To reduce crime, fear of crime and antisocial behaviour	Neutral?	Uncertain

There follows a detailed analysis of each SA Objective and explanation of the re-classification of assessment as stated in the table above.

## 1 SA Objective 1

1.1 **Objective:** SA Objective 1 is: "To have a strong and stable economy".

1.2 **Assessment:**

1.2.1 The Sustainability Proposal Assessment Summary Report assesses this objective as "Minor positive".

1.2.2 The Sustainability Proposal Assessment Summary Report is silent in relation to SA Objective 1.

1.3 **Comment**

1.3.1 H53 is likely to result in "no employment [being] provided by proposed village sites and that most people will travel to the larger settlements".

1.3.2 On that basis in line with the SA of Potential Village Site Allocations - Assumptions and Thresholds guidance the assessment should be "Neutral".

## 2 SA Objective 2

2.1 **Objective:** SA Objective 2 is: "To enable a range of sustainable transport options".

2.2 **Assessment:**

2.2.1 The Sustainability Proposal Assessment Summary Report assesses this objective as "Minor positive" and "Minor negative".

2.2.2 The Sustainability Proposal Assessment Summary Report comments: "With regard to travel and transport, the Council's assessment of the site identifies that it is within 400m of a bus stop, however the site is located around 3.4km from the closest railway station (Hatton)<sup>1</sup>. Given the capacity of the site, it is considered unlikely that development will deliver any significant improvements in terms of access to sustainable transport modes. Given the existing distances it is considered that there is the potential for a minor long term positive effect against SA Objective 2. ... Strategic transport assessments indicate that further housing development within the District has the potential to have significant impacts on traffic along key routes and at key junctions, increasing journey times and reducing average speeds<sup>2</sup>. The assessments found that the significant impacts of future growth can be mitigated

<sup>1</sup> Ibid.

<sup>2</sup> Strategic Transport Assessments – Local Plan Evidence Base.  
[http://www.warwickdc.gov.uk/info/20416/evidence\\_basev](http://www.warwickdc.gov.uk/info/20416/evidence_basev)

*through a range of proposed measures, but that there is the potential for residual impacts to occur. Submission Local Plan Policies seek to minimise the impact of development on the existing highway network and ensure that a choice of transport modes are available. Policy TR2 requires all large scale developments to be supported by a Transport Assessment and where necessary a Travel Plan. Policy TR3 seeks contributions towards transport improvements from all developments that will lead to an increase in traffic. Taking the evidence into account, the mitigation available as well as the potential capacity of this site, it is considered that there is the potential for a residual minor long term negative effect against SA Objective 2 (sustainable transport)'.*

2.3

**Comment**

- 2.3.1 The "Minor positive" assessment appears to be attributable to the statement that the site is designated as being within 400 yards of a bus stop. It is now understood that in order to enable to permit residential access to the proposed development site the bus stop may need to be moved. Insufficient information is available to assess the associated impact, as a result of which the "Minor positive" assessment may cease to be applicable.
- 2.3.2 The "Minor negative" element of the assessment is attributable to acceptance that there are "*traffic flow problem or other transport issue identified by Transport Assessment (2012)*". That assessment was of course made in the context of an access that has now been deemed unsuitable by Highways (and was therefore empirically demonstrated to be incorrect. Showing the subjective and fallible nature of such assessments). The proposed new access has not been assessed for suitability. Such an assessment is more than likely to reveal that traffic flow problem or other transport issue identified by the Warwickshire County Council and Highways Agency (March 2012) Warwick District Council Local Development Framework Core Strategy Strategic Transport Assessment Overview Report.
- 2.3.3 The assessment identifies the requirement for adherence to Policy TR2 and Policy TR3, and concludes "*Taking the evidence into account...*" but fails to explain what that evidence is. Indeed, the "evidence" (to the extent any is offered in relation to the site) is to the contrary, it states "*Given the capacity of the site, it is considered unlikely that development will deliver any significant improvements in terms of access to sustainable transport modes*".
- 2.3.4 An indication of the poor preparation of the appraisal document is that it incorrectly refers to "Hatton Station": the nearest station (and the one to which reference is intended to be made) is Warwick Parkway. This sloppy approach to the rushed assessment simply serves to highlight the "get it out the door" approach without application of thorough process. This is not indicative of the approach taken elsewhere by the Planning Authority and we are at a loss to understand why H53 has been selected to be added with such poor consultation and inadequate research when most other aspects of the Local Plan appear to have been compiled in a workmanlike and appropriate way.
- 2.3.5 The objective is to enable a range of sustainable transport options. Given the low frequency and extremely contorted route of the bus (and very low current use) there is no indication that the development will enable any sustainable transport options, but instead every expectation that it will amplify the use of the private car. Whilst the proposed development itself is for fewer than 80 dwellings (being the Guidance threshold that would require the production of a Transport Assessment and Travel Plan as set out in the Department for Transport's Guidance on Transport Assessment, issued in March 2007), it is (particularly given that the proposed access route is now through Hatton Park) quite wrong to look at the H53 in isolation: any development on the site would quite clearly form a part of, and extension to, Hatton Park. As such the development should properly be treated as comprising more than 80 dwellings accordingly assessed as "*Major negative*".

3

**SA Objective 3**

3.1

**Objective:** SA Objective 3 is: "*To reduce the need to travel*"

- 3.2 **Assessment:**
- 3.2.1 The Sustainability Proposal Assessment Summary Report assesses this objective as "Minor Negative".
- 3.2.2 The Sustainability Proposal Assessment Summary Report comments: "... any proposal for development should seek to enhance pedestrian movement. Taking into account access to existing facilities/services as well as public transport, along with possible improvements that may be delivered, it is considered that there is the potential for a minor negative effect against SA Objective 3. Submission Local Plan Policy SCO (Sustainable Communities) seeks to ensure that access and circulation are inclusive and that development provides a choice of transport modes including public transport, cycling and walking".

- 3.3 **Comment**
- 3.3.1 The "Assumptions and Thresholds" for the Categories of Significance stated in Table 2.6 of the Warwick District Council Publication Draft Local Plan SA Report published in April 2014 states that in relation to SA Objective 3 "Major negative effects [are] considered unlikely, as sites are being identified in primary and secondary service villages". That is to say that it is assumed that H53 cannot (by reason only of its being characterised as being a part of "service village") be assessed as a "Major Negative".
- 3.3.2 This means that in this context proposed site H53 has received the lowest ranking assessment that it could receive.

#### 4 **SA Objective 4**

4.1 **Objective:** SA Objective 4 is: "To reduce the generation of waste and increase recycling".

- 4.2 **Assessment:**
- 4.2.1 The Sustainability Proposal Assessment Summary Report assesses this objective as "Neutral?".
- 4.2.2 The Sustainability Proposal Assessment Summary Report comments: "In line with Submission Local Plan Policy W1, it is assumed that any proposal for development would be in accordance with the Waste Core Strategy, and should provide a Waste Management Plan and space for storage and recycling. There is potential for a residual neutral effect against SA Objective 4, with an element of uncertainty".

#### 4.3 **Comment**

- 4.3.1 The "Neutral?" assessment is surprising given the SA of Potential Village Site Allocations - Assumptions and Thresholds guidance that "Neutral effect considered unlikely as development will lead to an increase amount of waste produced".
- 4.3.2 The appropriate assessment should be at least as poor as "Minor negative" in line with the SA of Potential Village Site Allocations - Assumptions and Thresholds guidance that "Assumed that all village site options will have a minor long-term negative effect negative through the generation of waste with the potential for minor long-term negative cumulative effect for all villages".
- 4.3.3 However, given the very substantial earth movement that will be required (possibly necessitating landfill in other areas, with associated transport and ecological costs) it is arguable that development of H53 could merit assessment as "Major negative", however it is recognised that the waste would be transitory rather than continuing.

#### 5 **SA Objective 5**

5.1 **Objective:** SA Objective 5 is: "Ensure the prudent use of land and natural resources".

- 5.2 **Assessment:**
- 5.2.1 The Sustainability Proposal Assessment Summary Report assesses this objective as "Major negative".
- 5.2.2 The Sustainability Proposal Assessment Summary Report comments: "The site is greenfield land located within the Green Belt, with the potential for a major long-term negative effect against SA Objective 5. The Council's assessment identifies a very rural character at this site, particularly along Brownley Green Lane. However, it is considered that the site could accommodate some development that respects

*this character. Submission Policy NE4 seeks to protect the landscape from harm and to ensure that landscape design is a key component of any proposal for development. Numerous other Submission Policies refer to the protection of the landscape or landscape design, which include Policies DS3, EC1, SC0 and BE1. ...The site contains Grade 3a best and most versatile agricultural land<sup>3</sup>. Development will result in its loss with the potential for permanent major negative effects against SA Objectives 5 and 9’.*

5.3 **Comment**

- 5.3.1 The fact that development of H53 would lead to loss of green Belt land and may place water risk issues is not disputed. However, the assessment has failed to take proper account of the impacts of the proposed development.
- 5.3.2 Impacts are explained elsewhere in this document, particularly in paragraphs 19 and 20.
- 5.3.3 As a result of these impacts it is clear that insufficient weight has been given to the “Major negative” assessment.

6 **SA Objective 6**

6.1 **Objective:** SA Objective 6 is: “*To protect and enhance the natural environment*”.

6.2 **Assessment:**

6.3 The Sustainability Proposal Assessment Summary Report assesses this objective as “Minor negative?” and “Neutral”.

- 6.3.1 The Sustainability Proposal Assessment Summary Report comments: “*While it is considered that there is suitable mitigation available to ensure that there will not be any major significant effects, the development of previously undeveloped greenfield land has the potential for a residual minor negative effect on SA Objective 6, with an element of uncertainty until project level details arise. The site contains Grade 3a best and most versatile agricultural land<sup>4</sup>. Development will result in its loss with the potential for permanent major negative effects against SA Objectives 5 and 9.... There are no international, national or local nature conservation designations on or adjacent the site<sup>5</sup>; and the site does not contain any BAP Priority Habitats. However, the Council’s assessment of the site identifies that the hedgerow boundary should be retained as a wildlife corridor. Policy NE3 supports development provided that it protects, enhances and/or restores habitat diversity. Development proposals must ensure that they lead to no net loss of biodiversity and where possible provide a net gain, protect or enhance biodiversity assets and avoid negative impacts on existing biodiversity. It is therefore considered that there is the potential for a residual neutral effect against SA Objective 6’.*

6.4 **Comment**

- 6.4.1 The “Neutral” assessment is surprising given the SA of Potential Village Site Allocations - Assumptions and Thresholds guidance that “*Neutral effect on landscape and biodiversity is considered unlikely*”.
- 6.4.2 The “Minor negative” assessment reflects that the assessor concluded that the proposed development is in area of “low to medium or medium landscape value” with “low to medium or medium ecological value” and that development “could have impacts on locally designated biodiversity adjacent to proposed village sites, includes, Local Wildlife Sites and Biodiversity Action Plan Habitats”. To the contrary, as described in [Annex 5, 6 and 8] the proposed development of H53 is in area of “medium to high” landscape value.
- 6.4.3 For the reasons stated in these comments, the appropriate assessment in respect of SA Objective 6 should be “Major negative”.

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<sup>3</sup> Defra Magic Map. Online at <http://magic.defra.gov.uk>

<sup>4</sup> Defra Magic Map. Online at <http://magic.defra.gov.uk>

<sup>5</sup> Defra Magic Map. Online at <http://magic.defra.gov.uk>

## 7 **SA Objective 7**

7.1 **Objective:** SA Objective 7 is: *"To create and maintain safe, well-designed, high quality built environments"*.

### 7.2 **Assessment:**

7.2.1 The Sustainability Proposal Assessment Summary Report assesses this objective as *"Uncertain"*.

7.2.2 The Sustainability Proposal Assessment Summary Report comments: *"In line with the Built Environment Policies within the Submission Local Plan (BE1 to BE3), it is assumed that any proposal for development could help to create and maintain safe, well-designed and high quality built environments. However, at this stage the nature and significance of the effect against SA Objective 7 is uncertain"*.

### 7.3 **Comment**

7.3.1 The proposed development of H53 will result in the Hatton Village Hall ceasing to have the appearance (from within the Hall) of being in the countryside: the major views from the Hall which are over the pastoral agricultural land will be changed in to immediate views over a housing estate. Similarly, the children's play area and community orchard will be transformed from edge of country-side amenities to be locked in to an urban environment, with ancillary parking arrangements.

7.3.2 It is notable that given the differences in land levels it is likely that privacy in newly developed homes would be compromised since they would be overlooked by the Hatton Park Village Hall and neighbouring sports amenity area.

7.3.3 In these circumstances the assessment should be at least *"Minor negative"*.

## 8 **SA Objective 8**

8.1 **Objective:** SA Objective 8 is: *"To protect and enhance the historic environment"*.

### 8.2 **Assessment:**

8.2.1 The Sustainability Proposal Assessment Summary Report assesses this objective as *"Neutral"*.

8.2.2 The Sustainability Proposal Assessment Summary Report comments: *"The site does not contain and is not located adjacent to any designated heritage assets<sup>6</sup>; it is also not located within a Conservation Area. However, the Council's assessment of the site identifies that there is the potential for unrecorded archaeological remains, and the appropriate mitigation will be required prior to development at the site. Submission Local Plan Policies HE1 to HE6 seeks to protect and enhance the historic environment, including designated heritage assets and their setting. The Plan also includes policies that seek to protect the landscape, referred to in the appraisal commentary above. It is considered that there is suitable mitigation available to ensure that there are no significant negative effects on the significance of heritage assets as a result of development at this site; with the potential for a residual neutral effect against SA Objective 8"*.

### 8.3 **Comment**

8.3.1 For the reasons stated in paragraph 20 development of the site would be materially and irretrievably damaging to the historic environment.

8.3.2 Notwithstanding this conclusion, we note that the SA of Potential Village Site Allocations - Assumptions and Thresholds guidance only permits a poorer ranking if the proposed development land has heritage assets, scheduled monuments, listed buildings and conservation areas etc.

## 9 **SA Objective 9**

9.1 **Objective:** SA Objective 9 is: *"To create good quality air, water and soils"*

### 9.2 **Assessment:**

9.2.1 The Sustainability Proposal Assessment Summary Report assesses this objective as *"Major negative"*.

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<sup>6</sup> Historic England - National Heritage List for England.

- 9.2.2 The Sustainability Proposal Assessment Summary Report comments: *"Submission Local Plan Policies seek to minimise the impact of development on the existing highway network and ensure that a choice of transport modes are available. Policy TR2 requires all large scale developments to be supported by a Transport Assessment and where necessary a Travel Plan. Policy TR3 seeks contributions towards transport improvements from all developments that will lead to an increase in traffic. Taking the evidence into account, the mitigation available as well as the potential capacity of this site, it is considered that there is the potential for a residual minor long term negative effect against [SA Objective 2 (sustainable transport)] through increased levels of traffic on the surrounding road network and SA Objectives 9 (air, water & soil quality) and 10 (climate change mitigation) through the associated increase in atmospheric emissions. In line with Submission Local Plan Policy CC3, any proposal for development has the potential to incorporate energy and efficiency measures as well as renewable or low carbon energy".*
- 9.3 **Comment**
- 9.3.1 We concur with the Council's assessment.
- 10 **SA Objective 10**
- 10.1 **Objective:** SA Objective 10 is: *"To minimise the causes of climate change by reducing greenhouse gases and increasing the proportion of energy generated from renewable and low carbon sources".*
- 10.2 **Assessment:**
- 10.2.1 The Sustainability Proposal Assessment Summary Report assesses this objective as *"Minor negative"*.
- 10.2.2 The Sustainability Proposal Assessment Summary Report comments: *"Taking the evidence into account, the mitigation available as well as the potential capacity of this site, it is considered that there is the potential for a residual minor long term negative effect against SA Objective 2 (sustainable transport) through increased levels of traffic on the surrounding road network and SA Objectives 9 (air, water & soil quality) and 10 (climate change mitigation) through the associated increase in atmospheric emissions. In line with Submission Local Plan Policy CC3, any proposal for development has the potential to incorporate energy and efficiency measures as well as renewable or low carbon energy".*
- 10.3 **Comment**
- 10.3.1 No evidence is presented that any part of the H53 proposal will (a) reduce greenhouse gases, or (b) increase the proportion of energy generated from renewable and low carbon sources.
- 10.3.2 The SA of Potential Village Site Allocations - Assumptions and Thresholds guidance states that all assessments other than *"Minor negative"* are *"considered unlikely"* and Minor Negative is considered likely on the basis that *"a minor negative long-term effect [is] assumed for all proposed development sites and cumulatively for villages as a result of increased traffic"*.
- 11 **SA Objective 11**
- 11.1 **Objective:** SA Objective 11 is: *"To minimise the causes of climate change by reducing greenhouse gases and increasing the proportion of energy generated from renewable and low carbon sources".*
- 11.2 **Assessment:**
- 11.2.1 The Sustainability Proposal Assessment Summary Report assesses this objective as *"Neutral"*.
- 11.2.2 The Sustainability Proposal Assessment Summary Report comments: *"In line with the Built Environment Policies within the Submission Local Plan (BE1 to BE3), it is assumed that any proposal for development could help to create and maintain safe, well-designed and high quality built environments. However, at this stage the nature and significance of the effect against SA Objective 7 is uncertain. The site is not located within a flood risk zone; however it is susceptible to surface water flooding"*

along its northern border<sup>7</sup>. Submission Local Plan Policy FW1 (Development in Areas at Risk of Flooding) steers development towards those areas with the lowest probability of flooding. It ensures any proposal for development must be designed to be resilient to surface water, fluvial and pluvial flooding. It is considered that there is sufficient mitigation available to ensure that there will be a residual neutral effect against SA Objective 11. In line with Submission Local Plan Policy HS7, it is assumed that the design and layout of any proposal for development at this site incorporates Secured by Design Standards’.

11.3 **Comment**

- 11.3.1 H53 is assessed as “Neutral” however the report states that the site is “*it is susceptible to surface water flooding along its northern border*”. In these circumstances the site is one which has “identified surface water drainage issues”.
- 11.3.2 In these circumstances the appropriate assessment should (in line with the express terms of the SA of Potential Village Site Allocations - Assumptions and Thresholds guidance) be “*Minor negative*”.

12 **SA Objective 12**

12.1 **Objective:** SA Objective 12 is: “*To meet the housing needs of the whole community (ensuring the provision of decent and affordable housing for all, of the right quantity, type, size and tenure)*”.

12.2 **Assessment:**

- 12.2.1 The Sustainability Proposal Assessment Summary Report states assesses this objective as “Minor positive”.
- 12.2.2 The Sustainability Proposal Assessment Summary Report comments: “*The delivery of approx. 55 dwellings has the potential for a minor medium to long term positive effect on SA objective 12. In addition, there will be indirect positive effects on economy (potential increase supply of labour for existing businesses and consumer spending in the area), local community services (likely increased use), health and wellbeing and poverty and social exclusion (access to good quality housing)*”.

12.3 **Comment**

- 12.3.1 By definition of SA Objective 12 it is assumed “*that all proposed sites have the potential for a positive effect on housing*”. It is therefore by definition assumed that merely by selection H53 will assist in meeting SA Objective 12.
- 12.3.2 It is notable that H53 is amongst the lowest ranking of all the proposed developments in this category (i.e. none of the proposed sites rank lower than H53).
- 12.3.3 The SA refers to development of “*approx. 55 dwellings*”. The number of dwellings that may be introduced is uncertain, however it appears that the number (35 dwellings per hectare) has been derived by reference to the density achievable on a given area of land, and does not reflect the topography of the particular lane or (revised access requirements). As is clear from a site visit the land has very steeply bordered boundaries which will inhibit development, the proposed new access route will reduce the area available for development and any requirement to maintain the hedge line corridor would further reduce the area available for development. In this context it is important to note that the assessment itself states “*The Council’s assessment of the site identifies that the hedgerow boundary should be retained as a wildlife corridor. Policy NE3 supports development provided that it protects, enhances and/or restores habitat diversity*”. In order to retain the hedgerow boundary as a wildlife corridor it is necessary to retain the hedgerow, this should involve retaining open space on each side of the hedgerow in order to ensure that it creates a “corridor” (if the built environment or domestic gardens form a part of the boundary the corridor will be lost. It follows that the ability to develop 55 dwellings whilst (a) ensuring the provision of decent and affordable housing for all, of the right quantity, type, size and tenure, and (b) retaining the hedgerow boundary as a wildlife corridor has not been established.

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<sup>7</sup> Environment Agency Flood Maps - Risk of Flooding from Surface Water Flooding and Flood Risk for Planning.

- 12.3.4 In the SA states that *"there is potential for the increase in supply of labour for existing businesses and consumer spending in the area"*. No reasoning is given for the statement; without justification the statement should be disregarded.
- 12.3.5 The SA also refers to *"increased use of community services"*. This is of course entirely inconsistent with the ranking of SA Objective 14 which is assessed as *"Minor Negative?"* meaning (based on the "Assumptions and Thresholds" for the Categories of Significance stated in Table 2.6 of the Warwick District Council Publication Draft Local Plan SA Report published in April 2014) that the assessment concluded that there are *"No existing services and facilities within village and none being delivered as part of development"*. The "?" recognises the fact that there is a single small convenience shop on Hatton Park. Whilst it is conceivable that more use may be made of that shop it is absurd for that to tilt the scales where other community services (such as the Hatton Park Village Hall, local schools and doctor's surgeries) are already fully utilised. For example, the car parking area at the Hatton Park Village Hall has only recently been enhanced to address the already very substantial demand from the community for Hatton Park Village Hall and it is already often at capacity utilisation. As such, the claim that "increased demand" would be beneficial is a palpable fallacy – indeed the contrary is true: the increased demand could not be serviced and the increased population resulting from the development of H53 would (without additional service requirement) be detrimental to the existing residents and contrary to the SA objectives.
- 12.3.6 The SA of Potential Village Site Allocations - Assumptions and Thresholds guidance states that a *"Minor positive"* applies because it is assumed that *"all the proposed sites have the potential for a positive effect on housing"*.
- 12.3.7 This means that the assessment is the lowest assessment available.

### 13 SA Objective 13

13.1 **Objective:** SA Objective 13 is: *"To protect, enhance and improve accessibility to local services and community facilities"*.

#### 13.2 **Assessment:**

13.2.1 The Sustainability Proposal Assessment Summary Report assesses this objective as *"Minor positive"*

13.2.2 The Sustainability Proposal Assessment Summary Report comments: *"There is no Local Shopping Centre within Hatton Park. Warwick Town Centre is located around 4.8km away<sup>8</sup>. The site is located around 2.1km from the nearest school (The Ferncumbe C Of E Primary School) and around 3.4km from a GP (Budbrooke Medical Centre)<sup>9</sup>. In line with Submission Local Plan Policy SC0 (Sustainable Communities), any proposal for development at this site will need to ensure that good quality infrastructure and services are provided and where this cannot be offered on site, provision will be made through off-site contributions provision. The policy also states that new development should provide good access to community facilities. However, given the capacity of the site it is considered unlikely that development will deliver significant improvements to the local facilities and services on offer with the potential for a minor long term positive effect against SA Objective 13"*.

#### 13.3 **Comment**

13.3.1 The assessment *"Minor positive"* indicates (based on the "Assumptions and Thresholds" for the Categories of Significance stated in Table 2.6 of the Warwick District Council Publication Draft Local Plan SA Report published in April 2014) that the assessors concluded that *"Development has the potential to support existing services and facilities"*. This is a bizarre conclusion given the contrary indications that there are no proposals for any additional services to be developed (see the comments on the assessment of SA Objective 14 which is predicated on there being *"No existing services and facilities within village and none being delivered as part*

<sup>8</sup> Measured using Google Maps from the south western boundary of the site where it joins Brownley Green Lane.

<sup>9</sup> Ibid.



of development") and the statement in the appraisal itself that "given the capacity of the site it is considered unlikely that development will deliver significant improvements to the local facilities and services on offer". The assessment as "Minor positive" is therefore clearly unjustified, and the proper assessment would be less conducive to inclusion of H53 in the Local Plan.

- 13.3.2 The assessment states that pursuant to Submission Local Plan Policy SC0 (Sustainable Communities) proposal for development at this site will need to ensure that good quality infrastructure and services are provided and where this cannot be offered on site, provision will be made through off-site contributions provision. It is clear that no new "services" will be provided as part of the development (see comment on SA Objective 14, above). Whilst Local Plan Policy SC0 may then require that provision will be required for off-site contributions to provision, it is unclear how such services relating to the proposed development can in practice be provided since the land is surrounded by existing residential development to the south and Green Belt for the remainder. It therefore appears that approval of the H53 will be of nugatory value (unless it is accepted that Local Plan Policy SC0 is expected to be disregarded).
- 13.3.3 Currently there is a sports facility area immediately adjacent to Hatton Park Village Hall. It is likely that development would require housing to be developed very close to that area. The area has been carefully located to reduce the risk of noise from youth playing ball games disturbing local residents. By implementing residences closer to the play area the planning process would be putting local youth in direct conflict with home owners who would (quite reasonably) expect to be able to enjoy their homes without noise from the sports facility area.
- 13.3.4 In the circumstances it is more appropriate to characterise the proposed development as being one where there are "no existing services and facilities within village and none being delivered as part of development". That description is applied to the Minor negative assessment, which is more appropriate than the Minor positive assessment.
- 13.3.5 See also paragraph 17.6.4, which identifies additional concerns.

#### 14 SA Objective 14

14.1 **Objective:** SA Objective 14 is: "To improve health and well-being"

14.2 **Assessment:**

- 14.2.1 The Sustainability Proposal Assessment Summary Report assesses this objective as "Minor positive" and "Minor negative?".
- 14.2.2 The Sustainability Proposal Assessment Summary Report comments: "The site is surrounded by existing residential development to the south, and open land to the north. Brownley Green Lane also connects with the south western corner of the site. In the short-term air, light and noise pollution are likely to increase during the construction phases. Short-term negative effects during construction can be mitigated through appropriate phasing and an Environmental Management Plan (construction & occupation), including monitoring which should be followed-up. Submission Policy B3 (Amenity) ensures that proposals for development do not have unacceptable impact on the amenity of nearby uses and residents and will not permit development if it does not provide acceptable standards of amenity for future users and occupiers of the site. There is potential for a residual neutral effect against SA Objective 14 with an element of uncertainty at this stage".

14.3 **Comment**

- 14.3.1 By definition the proposed site is classified as a "Minor positive" in that it is "within 300 metres of natural green space" (an objective set by Warwick District Council (2010) Accessible Natural Greenspace standards<sup>10</sup>).
- 14.3.2 What this minor positive fails to identify is that there is an opposite effect in relation to existing developments which as a result of the development of H53 would

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<sup>10</sup> <http://www.warwickdc.gov.uk/NR/rdonlyres/2168A53B-62DA-47EF-9A5D-2589AF448308/0/AN1LOCALSITES.pdf>

themselves cease to be within 300 metres of natural green space. Accordingly, whilst the technical classification for the site is correct, it is misleading by omission of the impact on the existing parts of Hatton Park.

15 **SA Objective 15**

15.1 **Objective:** SA Objective 15 is: "*To reduce poverty and social exclusion*".

15.2 **Assessment:**

15.2.1 The Sustainability Proposal Assessment Summary Report assesses this objective as "*Minor positive*".

15.2.2 The Sustainability Proposal Assessment Summary Report is silent in relation to SA Objective 15.

15.3 **Comment**

15.3.1 It is assumed by the SA of Potential Village Site Allocations - Assumptions and Thresholds guidance that "all proposed sites have the potential for indirect positive effects through the provision of housing, therefore potential for indirect positive cumulative effects for each village" and that all such developments should be characterised as "*Minor positive*".

15.3.2 On that basis (that is to say in line with the SA of Potential Village Site Allocations - Assumptions and Thresholds guidance) the assessment is agreed as "*Minor positive*".

16 **SA Objective 16**

16.1 **Objective:** SA Objective 16 is: "*To reduce crime, fear of crime and antisocial behaviour*".

16.2 **Assessment:**

16.2.1 The Sustainability Proposal Assessment Summary Report assesses this objective as "*Neutral?*".

16.2.2 The Sustainability Proposal Assessment Summary Report comments: "In line with Submission Local Plan Policy HS7, it is assumed that the design and layout of any proposal for development at this site incorporates Secured by Design Standards. There is potential for a residual neutral effect with an element of uncertainty against SA Objective 16".

16.3 **Comment**

16.3.1 The SA of Potential Village Site Allocations - Assumptions and Thresholds guidance state that "The potential effect of development for all the proposed sites on crime is uncertain at this stage. The effects on crime will depend on the design and layout finalised at the development management level".

16.3.2 Accordingly, the appropriate assessment should be "*Uncertain*".

## **SECTION B – Local planning considerations**

### **17 Planning considerations**

- 17.1 Highways have quite properly declined the originally proposed access from Brownley Green Lane. This means that the planning authority has had to rely on alternative access from Hatton Park. Access that the Planning Authority had previously decided not to pursue. The previous decision to reject that access was correct.
- 17.2 We understand that others have objected on the basis of poor access, but wish to amplify their concerns here.
- 17.3 The proposed access to the site from Barcheston Drive is not simple to facilitate. As described elsewhere, the proposed access to the site would have a substantial detrimental impact on the Hatton Park Village Hall.
- 17.4 The topographical levels between Barcheston Drive and H53 are significant and it is in order to implement safe access (if that is possible at all) and address the level changes the tarmac and the loose surfaced car park areas, the sports facility area and the children's play area would each be substantially impacted. The car parking area has only recently been enhanced to address the already very substantial demand from the community for Hatton Park Village Hall (which explains the comments at paragraph 12.3.5).
- 17.5 A separate submission attaches various photographs of the site and comments on them. We endorse those comments.
- 17.6 There is insufficient space to incorporate an access without significantly impacting Hatton Park Village Hall: the requisite visibility splays will be restricted by levels, the existing adjacent development boundary wall and the bus stop. We understand that it has been mooted that the access (or existing car parks) may be relocated to the other side of Hatton Park Village Hall. This is again indicative of the poor thought processes that have been applied and the reactive rather than proactive planning applicable in the case of H53 (our sense is that other parts of the proposed Local Plan have been far more thoroughly prepared and assessed). Relocation of the access (or existing car parks) to the other side of Hatton Park Village Hall is ill-conceived in that:
- 17.6.1 it further urbanises the area surrounding Hatton Park Village Hall, and
  - 17.6.2 it will result in children approaching the play-ground and youth wishing to use the sports facility area having to negotiate parked and moving vehicles (something in relation to which care was specifically taken to avoid in the current layout). This inevitably creates more risk and less play area to young people;
  - 17.6.3 such development inevitably tends toward the recently established community orchard becoming absorbed more into the built environment than linking to the rural agricultural environment;
  - 17.6.4 balls from the sports amenity area (which includes provision for basketball) are regularly thrown/ kicked/ hit higher than expected and find their way on to the field that is proposed for development as H53. Those balls could cause a danger to cars using the area, for residents in the area and/ or to home owners. Withdrawing the sports amenity area would be a retrograde step and if that is required should have been reflected in the assessment
- 17.7
- 17.8 This site does not therefore seem to have been well thought through by Warwick District Council due to the challenges with access, local infrastructure, permanent loss of the green belt and the major impact on a valuable community facility that is used by a diverse group. This site should be removed from the proposed local plan as it is simply not necessary.

## **SECTION C - National Planning Policy Framework**

### **18 Sustainability**

- 18.1 The NPPF focuses on meeting the needs of the present without compromising the ability of future generations to meet their own needs, it describes this focus as "**sustainable**

- development**” and amplifies what that means in terms of economic, social and environmental aspects. As demonstrated in this section, the proposal for development of H53 is inconsistent with National Policy.
- 18.2 As to the **economic role** that H53 may make, the Planning Authority has failed to deliver cogent, persuasive evidence that the proposal satisfies the economic role of development of contributing to building a strong, responsive and competitive economy or that the proposed development is of the “right type” or in the “right place” to support growth. Notwithstanding that the SA suggests that there may be a “Minor Positive” the better analysis is that the assessment should, at best be “neutral” (see paragraph 1.3.2, above).
- 18.2.1 For the reasons stated in paragraphs 12.3.3 and 17 the proposed development cost per housing unit appears to be significantly higher for the development than for other developments that may be proposed.
- 18.2.2 The development has insufficient provision of infrastructure (including inadequate utility supply in the form of water and gas, the lack of spaces in local schools and the detriment caused to local amenities). These lack of utility supply services appear to be peculiar to this end of Hatton Park. Development in an area with insufficient choice of school places would be contrary to **NPPF 72**.
- 18.3 As to the **social role**, there is no evidence that H53 will support a “*strong, vibrant and healthy community*” indeed the paucity of service provision (see previous paragraph) at this end of Hatton Park will not support the community’s needs. As such the proposed development fails to take account of (let alone support local strategies) to deliver sufficient community and cultural facilities and services to meet local needs (that is to say the proposed development is contrary to the core planning principle set out in bullet 12 to **NPPF 17**);
- 18.4 As to the **environmental role**, the proposed H53 development would require very substantial earth movements. Such development would not “*contribute, protect or enhance our natural, built and historic environment*”; it does nothing to “*improve biodiversity, use natural resources prudently, minimise waste and pollution, or mitigate and adapt to climate change*”. In fact, the development is contrary to these ambitions and is therefore not in line with the requirement to maintain sustainable development (as described on page 2 and **NPPF 84**).
- 18.5 A core principle of the NPPF is that allocations of land for development should prefer land of “*lesser environmental value*” (bullet 7 to **NPPF 17**). Since the land falls within the Arden Warwickshire Landscape (see paragraph 20) and for the reasons explained in Report APP/T3725/A/13/2192556 (mentioned and quoted below) the proposed area of development for H53 is clearly not an area of “*lesser environmental value*”.
- 18.6 **NPPF 73** highlights the importance of “*high quality open spaces*”. The proposed H53 development would result in the transformation of Hatton Park Village Hall from a rural destination with widely appreciated spectacular views in to an urban area. Similarly, the children’s play area that currently has the appearance of being on the edge of the countryside would become a part of a built-up environment, with the consequential adverse implications for those using the facilities. Such development would be a retrograde step and contrary to NPPF 73.
- 18.7 **NPPF 74** advises against building on existing open spaces, sports recreational buildings and land except in limited circumstances. The development of H53 is proposed development of an open space. The development requires building on (or detrimental changes to) the children’s play area and the Hatton park Village Hall (a recreational building) and the adjacent community orchard. These are substantial adverse impacts of the proposed development. There is no evidence of any assessment having been undertaken (as required by NPPF 74) to demonstrate that the loss or changes to these open spaces and amenities are only to those that are surplus to requirements or that they would (or, even, could) be replaced by “*equivalent or better provision in terms of quantity and quality in a suitable location*”. It is clear that the proposed development is not for alternative sports or recreational provisions. Development of H53 would be contrary to NPPF 81 which requires that local planning authorities should plan to “*retain and enhance [Green Belt] landscapes, visual amenity and biodiversity*”.
- 18.8 It is indicative of the failure to make proper assessment to the social role of the proposed development that (as originally proposed) there was no road link between H53 and the

remainder of Hatton Park. This brings in to question whether the Planning Authority has fully and properly considered the community sustainability implications of the development. If there was no link when originally proposed, what are the implications of the link now? If the original plans did not include access from Hatton Park – why was that, and why is it now acceptable to have access from Hatton Park. The forced change and persistence with the inclusion of the site in the proposed Local Plan is indicative of the sites rushed inclusion without appropriate appraisal, review or consultation. There is little doubt that had it been included alongside other proposals that were rejected in the course of preparation of the draft Local Plan, it would have been discarded at an earlier stage.

- 18.9 We have not commented on the Housing Needs Assessment, but draw attention to the report headed "Critique of West Midlands Housing Needs Assessments" dated 27 January 2016 prepared for CPRE by Urban & Regional Policy of 48 St Agnes Road, Birmingham B13 9PN (who can be contacted on 07977 859411 or by e-mail to alanwenbansmith@pobox.com).

## 19 **Green Belt**

- 19.1 H53 is (currently) an area of Green Belt adjacent to an urban area.
- 19.2 The NPPF states that "The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence".
- 19.3 **NPPF 79** states that one of "core planning principles of the NPPF is the protection of Green Belts around urban areas". This concept permeates throughout the NPPF (see, for example, bullet 9 to **NPPF 17** which discusses the merits of "open land", the importance stressed in **NPPF 73** of "high quality open spaces", bullet 3 to **NPPF 80** which provides Green Belt serves to "assist in safeguarding the countryside from encroachment", footnote 9 on page 4 of the NPPF and as the core planning principle enunciated in bullet 5 to **NPPF 17**).
- 19.4 The proposed development would be significantly detrimental to the perception of openness and permanence of the countryside to those taking part in these recreational activities.
- 19.5 Altering the Green Belt and permitting the new development as proposed by H53 would adversely impact other green belt public amenity land, including the footpaths along Brownley Green Lane, Turkey Farm drive, across from the Hatton Arms to Home Farm and (in Winter) along the higher edge of Wedgnock Green Lane green way. These are all amenities that are heavily used by recreationalists, including those riding horse and bikes and recreational walkers and dog walkers. This is in addition to the significant detracting of the amenity of the Hatton Park Village Hall which currently has views over open countryside. The development would of course also be visible, and detrimental in outlook, from the public highways
- 19.6 **NPPF 80** provides "Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan". In the case of H53 insufficient evidence of "exceptional circumstances" has been adduced by the planning authority to justify development. It is symptomatic of the approach of the local planning authority in the case of H53 (but not generally) that the area proposed for development has not been subject to previous consultation, that the first proposal with access from Brownley Green Lane was declined by Highways and that an inadequate substitute was hastily proposed. If it is accepted that the housing requirement constitutes "exceptional circumstances" that does not of itself justify the development of H53 (the housing requirement could be achieved by development in other places, including other promoted areas where additional development would be possible). In considering redefining the Green Belt boundary the local planning authority should seek to meet identified requirements for sustainable development (**NPPF 85**). As discussed above, H53 does not meet these requirements.

## 20 **Environmental value - Arden Landscape**

- 20.1 The proposed H53 site comprises an ancient field with hedge lines and distinctive shape. It is also within the "Arden Warwickshire landscape<sup>11</sup>", and is therefore subject to the Arden

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<sup>11</sup> <http://apps.warwickshire.gov.uk/api/documents/WCCC-688-142>

- Landscape guidelines.<sup>12</sup> The Inspector's attention is drawn to these documents, copies of which are available from the web-links mentioned in the footnotes.
- 20.2 The **NPPF 17** includes as core principle the conservation of "*heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations*" (bullet 10 to paragraph 17). That requirement should be considered in the context of the Arden Warwickshire landscape guidelines which:
- 20.2.1 provide that development should avoid "*the removal of hedgerows*" (page 34) and promote the "*conservation and strengthening of hedge lines and managing hedge lines more positively as landscape features*" (page 43). The proposed development will effectively remove the historic hedge line (there are virtually no historic hedge lines remaining around those parts of Hatton Park that have already been developed);
  - 20.2.2 recommend "*conserving rural character by restricting changes in the use of rural land*" (page 37). What is proposed is a change to the use of rural land
  - 20.2.3 recommend "*conserving and restoring the irregular landscape pattern ... [and] the irregular pattern of ancient hedgerows*" (page 36), "*conserving and enhancing the unity and small scale enclosed character of the landscape*" (page 38), "*conserving the historic pattern of small hedged fields*" (page 38) and "*conserving and strengthening the pattern of small and medium sized hedged fields*" (page 40). The proposed development is contrary to these recommendations, erasing the historic field pattern which can be traced back many hundreds of years;
  - 20.2.4 provide that "*conservation of pastoral character*" is a "*high priority*" (page 50). The proposed development is contrary to conservation of pastoral character.
  - 20.2.5 Adjacent to H53 are areas specifically identified as areas to support a diverse ecosystem. Development of H53 would compromise these areas.
- 20.3 We refer the Inspector to the findings in the TCPA 1990 section 78 Appeal relating to the neighbouring site known as "Hatton Gardens", where planning inspectors on two separate occasions declined planning permission. The later hearing was communicated in October 2013 (Report APP/T3725/A/13/2192556). In that case the Secretary of State agreed with the Inspector "*that the appeal proposals would be seriously harmful to both the character and the appearance of an area of attractive landscape and that, due to the constraints of the site, landscaping could not overcome that harm*". We refer in particular to paragraphs 111 to 117 of that report, in which the Inspector wrote:
- "The appeal site lies in the countryside... There are public footpaths that run around the other three sides of the site, albeit separated from the site by fields. From these footpaths the existing [unauthorised and subsequently removed] development on the site can clearly be seen above the hedges. The proposed development ... involve raising the ground levels. A combination of these factors means that the development now proposed would be much more visible from surrounding roads and footpaths than the development currently on the site. The site lies within the Arden Parklands as identified in the adopted SPG. This SPG analyses the character of the Arden Parklands which it says is dominated by its landscape and not characterised by its settlements. The proposals ... would be harmfully out of keeping with this established character. The previous Inspector also considered the Ancient Arden LLT which the site abuts. That area is characterised by a dispersed settlement pattern of isolated farmsteads and loose clusters of cottages. The current proposals would also fail to accord with that character. The previous Inspector described the proposals ... as an urban intrusion into the countryside; I agree with that conclusion and consider that the same considerations apply to these proposals. The previous Inspector also concluded that the development envisaged in the appeals he was considering would significantly conflict with the character of Arden Parklands as set out in the SPG. ...I agree with that assessment. The development would be visible from public viewpoints on all sides. Due to the scale, form, layout and nature of the proposals it would be a cramped development that would appear as an alien feature*

<sup>12</sup>

<http://apps.warwickshire.gov.uk/api/documents/WCCC-688-141>

*in the landscape. It would fail to respect the scale, form and layout of nearby development ... and ... conflict with the established character of the area'.*

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**Conclusion**

For the reasons stated above FRoG submits that the proposals in relation to H53 are not positively prepared, justified, effective or consistent with National Policy. We submit that this part of the proposed Local Plan is not sound.