

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

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**

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 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



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- Warwickshire Direct Warwick, 2nd Floor Market Square, Warwick
- Warwickshire Direct Kenilworth, Kenilworth Library, Smalley Place, Kenilworth
- Warwickshire Direct Lillington, Lillington Library, Valley Road, Royal Leamington Spa
- Warwickshire Healthy Living Centre 98-100 Sandford Street, Royal Leamington Spa
- Finham Community Library, Finham Green Rd, Finham, Coventry, CV3 5EP

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

PROFESSOR

First Name

DAMIAN

Last Name

GRIFFIN

Job Title (where relevant)

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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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 HS3

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:

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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 attached letter from SOSF

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.

Please see attached letter from SOSF

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:

To represent the views of the community group
'Save our Sheep Field'

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:

[Redacted signature]

Date:

21 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.

For Official Use Only

Person ID:

Rep ID:

Mr Kevin Ward
Planning Inspectorate
Via Warwick District Council

19 April 2016

Dear Mr Ward

Warwick District Council Draft Local Plan Modification 19 Map 21 Site H53

Introduction

Save Our Sheep Field (SOSF) is a group of residents of Hatton Park and the surrounding area. We wish to object to inclusion of Site H53 in the modified draft Local Plan submitted to you for inspection in February or March 2016. Site H53 is Green Belt land adjacent to Browley Green Lane, and referred to by the local residents as the 'Sheep Field'.

We believe that the inclusion of the Sheep Field as a site for residential development within the modified draft Local Plan was hasty and ill-judged. It does not reflect careful consideration of impact upon the local population or discussion with them. It is not positively prepared, justified, effective or consistent with national policy. It is not sound.

Description

The Sheep Field is 2.45 hectares of improved agricultural land on a north-west facing slope. It is designated Green Belt and for living memory it has been used in rotation for arable crops and grazing sheep. It adjoins ancient woodland along Brownley Green Lane, an important hedgerow wildlife corridor, and a community wildlife orchard. It provides a beautiful backdrop and separation for traffic for the adjacent Hatton Park Village Hall, sports facility and children's playground.

The Sheep Field was not included in the first draft of the Local Plan in 2015. It appears to have been included as a Modification as late as January 2016, without community consultation. It seems that the Council's initial intention was to provide access via Brownley Green Lane. We understand that this was rejected by the Highways Department as late as February 2016, and so a last minute change was made to access via Barcheston Drive just before the Council approved the Plan on 24 February 2016.

These last minute changes without consultation demonstrate that this Modification has not been positively prepared.

Green Belt

The Sheep Field is an area of Green Belt adjacent to a residential area.

The National Planning Policy Framework (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*" (NPPF para 79). A core planning principle of the NPPF is the protection of Green Belts around urban areas (NPPF 17). These concepts permeate throughout the NPPF, for example, detailed discussion of the merits of "*open land*" (NPPF 17), the importance of "*high quality open spaces*" (NPPF 73) and the fact that the Green Belt serves to "*assist in safeguarding the countryside from encroachment*" (NPPF 80).

Altering the Green Belt and permitting the new development as proposed by this Modification 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, including by those riding horses 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.

The proposed development would be significantly detrimental to the perception of **openness** and **permanence** of the countryside to the local community and to those taking part in these recreational activities.

The NPPF provides that "*Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan*" (NPPF 80). Insufficient evidence of "*exceptional circumstances*" has been adduced by the planning authority to justify this Modification. It is symptomatic of the approach of the Council in the case of the Sheep Field (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 the Sheep Field (the housing requirement could be achieved by development in other places, including newly 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). We believe that this Modification to develop the Sheep Field does not meet these requirements.

Ecological impact

The Sheep Field is adjacent to the **Hatton Park Community Wildlife Orchard**. This is a community-led and Council-supported project that was co-funded by community contributions and the Advantage West Midlands Scheme to create community orchards. Several years ago, community volunteers prepared and fenced an area of Public Open Space, and then planted a wildflower meadow and 150 fruit and nut trees of numerous traditional Warwickshire heritage varieties.

This project has been a huge success, stimulating **community cohesion** through joint enterprise and shared use of the amenity (and the produce!). A major part of this amenity is the adjacency to the open countryside of the Sheep Field.

The orchard was always conceived as a **shared space** for people and wildlife. This has been achieved by planting new hedgerows, a wide variety of trees and shrubs in a random, woodland pattern, and a late summer meadow-cutting schedule to allow self-seeding of wild flowers. The wild flower Kidney Vetch (*Anthyllis vulneraria*) was specifically planted to provide a habitat for the Small Blue butterfly (*Cupido minimus*) in a project proposed and supported by *Butterfly Conservation Warwickshire*. The Small Blue is a Priority Species in the UK Biodiversity Action Plan because of rapid decline in England; it is only seen at four other sites in Warwickshire and is particularly vulnerable because of habitat loss. Badgers, foxes and several varieties of bats are frequently seen in the orchard and the adjacent Sheep Field.

A **Habitat Assessment** performed by the Habitat Biodiversity Audit Partnership for Warwickshire, Coventry and Solihull in 2008 (predating the Community Orchard) specifically considered the land around Hatton Park (and is referenced in the submitted Local Plan). In the vicinity of the Sheep Field, the Assessment noted a wide variety of flora and fauna including bats and badgers. The authors remarked upon:

- "*semi-natural broad leaved woodland... of Local Wildlife Site/SINC standard*

- *“numerous hedgerows within the parcel with a significant proportion that are species rich*
- *“important (hedgerows) as they create a network of wildlife corridors, through the intensively-farmed landscape and help link the other important habitats such as the woods, ponds and brook*

They made several recommendations:

- *“All the ponds within the parcel will need to be surveyed for amphibians in particular great crested newts. A hydrology survey of the ponds will also need to be undertaken to ensure any development would not have any adverse affect on the ponds water levels or water quality.”*
- *“It is recommended that any potentially species rich hedgerows are subjected to a full hedgerow survey following the ancient hedgerow criteria to establish the full extent of their biodiversity value.*
- *“Bats and their roost sites are protected under the 1981 Wildlife and Countryside Act, the Countryside and Rights of Way Act 2000 and the Habitat Regulations 1994, the latter of which deems them a European Protected Species. Therefore it is recommended that a pre-determinative bat survey of the buildings, woodland and mature trees is undertaken at an appropriate time of year by a qualified ecologist.*
- *“It is recommended that all species rich hedgerows are retained with a buffer zone.*
- *“Any development within this parcel of land should take into consideration the multiple areas of species rich woodland and ponds. The woodlands and pLWS/SINCs should have significant buffer zones to prevent any impact for development. Mature trees and species rich hedgerows should be retained to minimise any biodiversity losses.*

We believe that the adjacency of the Sheep Field to the Community Orchard and the consequent risks to that **amenity**, and to the **ecological diversity** that has been stimulated by recent community action (to create the Community Orchard) have not been given due consideration by the Council in preparing this modification. Further, **the recommendations of the Habitat Assessment have not be followed**. The Modification is not sound.

Access road

Although it is not shown on the plan submitted by the Council, we understand that Council proposes access to development of the Sheep Field from Barcheston Drive (the original plan for access from Brownley Green lane having been rejected by the Highways Department).

It would not be straightforward to facilitate access to the site and would have a hugely detrimental impact on Hatton Park Village Hall (HPVH) if it were allowed to proceed. The difference in topographical levels between Barcheston Drive and the Sheep Field is significant and would likely require both the tarmac and the loose surfaced car park areas and potentially the sports facility to enable an appropriate access to address the level changes. These areas have only recently been enhanced to address the high demand from the community for HPVH. It is hard to see how the bus stop could possibly survive; a key accessibility feature for HPVH. The HPPF makes it clear that development should not have a negative impact on community amenity such as sports facilities, churches, and community meeting places (HPPF 70). Hatton Park Village Hall is all of these, and this Modification could only have a negative impact upon it.

The aerial photograph below shows clearly the proximity of the existing vehicle access from Barcheston Drive to the existing residential site adjacent to HPVH. There would not appear to be sufficient space to incorporate an access at this point without significantly impacting HPVH. The visibility splays will be restricted by levels and the existing adjacent residential boundary wall.

Relocation of the car park to the other side of HPVH would be inappropriate in that it would force

the interaction of people and vehicles that was specifically avoided in the current layout. This has to be considered a greater risk to the children playing in the park / play area and Community Orchard located to the north of HPVH. Mixing a playground a carpark and a road junction can hardly be described as safe and sensible.

We accept that an engineering solution to these problems *may* be possible, but the existence of so many problems demonstrates that even if access is technically feasible, it is not appropriate.

Barcheston Drive is too narrow for lorry and heavy plant movements during the construction phase. The bus already struggles to negotiate the traffic calming features. Construction vehicles may also be obliged to use the grass verges and pathways, presenting a danger to pedestrians and destroying the established walkways and cycle paths.

It is indicative of the lack of thought given to the proposed development that (as originally proposed) there was no road link between the Sheep Field and the remainder of Hatton Park. This brings in to question whether the Council 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 point is that the proposal appears ill thought through. The Modification is not positively prepared, justified, effective or consistent with national policy. It is not sound.

Sustainability

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 to the **economic role** that The Sheep Field may perform: We have not seen cogent, persuasive evidence from the Council that the proposals satisfy the economic role of development of contributing to building a strong, responsive and competitive economy; the cost per housing unit appears to be significantly higher for the development than for other developments that may be proposed; there is no evidence that the proposed development is of the “*right type*” or in the “*right place*” to support growth; and the development appears to us to have insufficient provision of infrastructure (including inadequate utility supply in the form of water and gas. This lack of utility supply services appear to be peculiar to this side of Hatton Park and is already a frequent complaint by residents.

As to the **social role**, there is no evidence that development of the Sheep Field will support a “*strong, vibrant and healthy community*”. Indeed the paucity of service provision on this side 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 is contrary to the core planning principle set out in bullet 12 to NPPF 17). The NPPF advises against building on existing open spaces, sports recreational buildings and land except in limited circumstances (NPPF 74). The development of Sheep Field 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 the Sheep Field 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*”.

As to the **environmental role**, the proposed development would require very substantial earth movements. Such development would not contribute, protecting 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. The NPPF highlights the importance of "high quality open spaces" (NPPF 73). The proposed Sheep Field development would result in the transformation of Hatton Park Village Hall from a perceived rural destination 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.

The proposed modification is not consistent with national policy.

Outcome of previous planning applications

We refer 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 latter 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". The inspector wrote:

"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 characterized by its settlements. The proposals ... would be harmful out of keeping with this established character. The previous Inspector also considered the Ancient Arden LLT which the site abuts. That area is characterized 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 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."

We believe that these conclusions are equally applicable to the proposed development of the Sheep Field only a few hundred yards away.

Alternatives

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 and for the reasons explained in Report APP/T3725/A/13/2192556 the Sheep Field is clearly not an area of "lesser environmental value".

We understand the need to identify suitable sites for housing, but urge the Council to make use of brownfield sites such as Oakland Farm. This site was previously considered by the Council as a traveller site. Together with the remainder of that farm, it is of a similar size to the Sheep Field and could be considered as a suitable alternative site for residential development.

Conclusion

This Modification does not 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.

The proposed Modification to build houses on the Sheep Field is not positively prepared, justified, effective or consistent with national policy. It is not sound. We invite the Inspector to propose its removal from the Local Plan.

Yours sincerely

Save our Sheep Field













