



Representations to the Land East of Kenilworth Development Brief, Consultation Draft, November 2018

On Behalf of Catesby Estates Ltd

A099623

WYG Environment Planning Transport Limited. Registered in England & Wales Number: 03050297

Birmingham 3rd Floor, 54 Hagley Road, Edgbaston, Birmingham, United Kingdom, B16 8PE
[REDACTED] Website: www.wyg.com

WYG Environment Planning Transport Limited. Registered in England & Wales Number: 03050297
Registered Office: Arndale Court, Otley Road, Headingley, Leeds, LS6 2UJ

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Prepared by	Checked by	Approved By
S Butterfield	J Rowley	S Butterfield

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1.0 Introduction

1.1 Overview and Background

- 1.1.1 These representations are submitted to the Land East of Kenilworth Development Brief, Consultation Draft (November 2018).
- 1.1.2 WYG act on behalf of Catesby Estates Ltd in respect of their land interests at Woodside Management Centre and land south of Crew Lane, which fall within the Kenilworth Neighbourhood Plan Area and within the administrative boundary of Warwick District Council. The land interests are identified on the Plan at **Appendix 1**.
- 1.1.3 In the first instance, Catesby Estates wish to confirm their support for the Development Brief's principles in seeking to bring forward comprehensive development 'East of Kenilworth'. The approach taken by WDC, engaging in positive discussions with all stakeholders to inform the document is also supported. These representations seek to provide observations and suggestions on specific policies and proposals contained within the draft Development Brief.
- 1.1.4 Catesby's land interests are allocated in the Warwick Local Plan (adopted September 2017) under Site Allocation H40 for residential development of up to 640 dwellings. The Allocation is referred to as 'Land East of Kenilworth (Crewe Lane, Southcrest Farm, and Woodside Training Centre) and includes for a new secondary school; primary school (at Southcrest Farm under Allocation / Policy ED2) and community facilities.
- 1.1.5 An outline planning application (ref: W/18/1635) is currently before Warwick District Council for development of Catesby's land interests, for
- "Demolition of existing farmhouse and agricultural buildings and outline planning permission for residential development of up to 640 dwellings (Use Class C3) and community hall (Use Class D1) including means of access into site (not internal roads), parking and associated works, with all other matters (relating to appearance, landscaping, scale and layout) reserved."*
- 1.1.6 The Development Brief has been prepared by Warwick District Council (WDC) following the adoption of the Local Plan in 2017. Its purpose is to *"guide future development within strategic allocations to the eastern side of Kenilworth and ensure that development within the sustainable urban extension is considered in a comprehensive manner"* (draft Development Brief, page 7).
- 1.1.7 Specifically, the Warwick Local Plan requires the comprehensive development of strategic sites and specifically references allocations H06 and H40 (East of Kenilworth). WDC have prepared the draft Development Brief in response to Policies DS15 and BE2 of the Local Plan and in relation to the Delivering and Monitoring section (pages 126—127) which identify that *"To*

support the delivery of the Plan, the Council will review or adopt Development Briefs ... in relation to the following: ... East of Kenilworth Development Brief."

1.1.8 Prior to setting out detailed comments to the draft Development Brief in the following sections, Catesby Estates wish to reiterate their support for the Development Brief's principles in seeking to bring forward comprehensive development 'East of Kenilworth'. The approach taken by WDC, engaging in positive discussions with all stakeholders to inform the document is also supported.

1.1.9 The comments made within these representations relate to specific parts of the draft Development Brief and are set out in the following sections. They comprise:

- Section 1.0 - Introduction
- Section 3.0 – Planning Policy Framework
- Section 6.0 - Vision
- Section 7.0 – Development Principles
- Section 9.0 – Indicative Masterplan and Scale Parameters Plan
- Section 10.0 – Delivery

2.0 Chapter 1 – Introduction

- 2.0.1 The draft Development Brief states, at page 7, that the Development Brief, once adopted *"will be a material consideration to be afforded **significant weight** in the determination of planning applications..."*.
- 2.0.2 The Town and Country Planning (Local Planning) (England) Regulations 2012 state: *"SPDs are allowed to contain policy, but it must be justified and must not conflict with the adopted development plan"* (Reg 8(3)). SPD policy cannot supersede Development Plan Policy and is **merely a material consideration**. In this context, Catesby Estates is concerned by the suggestion that the Development Brief will be treated as a fixed position and accordingly consider that any reference to it being afforded 'significant weight' should be deleted.
- 2.0.3 SPDs escape the examination process required for DPDs. With this in mind, certain sections of the Development Brief read as an attempt to introduce swathes of untested, unjustified and ineffective policy via a document not subject to independent scrutiny.
- 2.0.4 WDC should take care to ensure that the Development Brief does not attempt to alter Local Plan policy. The Development Brief could be construed as containing policy identifying alternative development uses / site allocation policies / setting additional development management policy.
- 2.0.5 SPD's should simply build upon and provide more detailed advice or guidance on the policies in the Local Plan. In this regard paragraph 153 of the NPPF (2018) states:
"Any additional development document should only be used where clearly justified. Supplementary planning documents should be used where they can help applications make successful application or aid infrastructure delivery, and should not be used to add unnecessarily to the final burdens on development".
- 2.0.6 Our comments on the draft Development Brief are set out in the above context.

3.0 Chapter 3 – Planning Policy Framework

- 3.0.1 The representations to this chapter of the draft Development Brief focus on whether the summary provided of the Local Plan & Neighbourhood Plan policies accurately portrays those adopted Development Plan documents.
- 3.0.2 In places it is considered that the draft Development Brief cherry picks references to certain parts of the policies, omitting certain key aspects. For example on Page 24, the reference to Policy DS15 does not reflect the adopted Local Plan. Local Plan Policy DS15, in setting out the required infrastructure for each site allocation, also refers to Policy DS12, which states that land at Southcrest Farm shall be used for the *"secondary school, 6th form centre and, if deemed the most appropriate location, a primary school."* This hierarchy of locational criteria should be referenced within the policy chapter of the Development Brief.
- 3.0.3 In addition, neither Policy BE2, nor Policy DS15 require the local planning authority to adopt Development Briefs as supplementary planning guidance. Rather, they require each strategic site allocation in the Local Plan to be supported by a Development Brief or Layout and Design Statement to demonstrate that the development can come forward comprehensively. This reference (draft Development Brief page 24) should therefore be amended in Section 3 of the draft Development Brief.
- 3.0.4 References to the adopted Local Plan policies in Chapter 3 of the draft Development Brief should be amended to ensure that they accurately reflect the whole wording of the policies and not cherry pick certain parts.

4.0 Chapter 7 – Development Principles

4.1 Self-Build and Custom-Build Housing

- 4.1.1 The requirement for up to 5% of all plots to be provided as self-build plots is consistent with the requirement of Neighbourhood Plan Policy KP4 e) and is not objected to. The supporting text to Development Principle 1B is however not consistent with the policy wording and should be amended as follows to ensure that it is consistent:

"In harmony with the Local Plan policy and Neighbourhood Plan this Development Brief sets out a requirement that all major housing sites within the overall site shall provide a proportion of the open market homes as self-serviced plots for self-build and custom build commensurate with demand evidenced on the local authority self-build register of interest, not exceeding 5% of the total number of dwellings".

- 4.1.2 The supporting text accompanying draft Development Principle 1B should also be amended so as to reflect the wording at subsection d) regarding the release mechanism for such plots, if there is no take-up of the plots by self-builders after a period of 12 months.

4.2 Delivery of an Effective and Efficient Transport System

- 4.2.1 Support is given to the promotion of sustainable transport modes set out at pages 65-67 although clearly any financial contributions will need to meet the relevant CIL Regulation tests and Section 106 pooling restrictions.
- 4.2.2 The requirement for a 4 metre surface width for a footway / cycleway at page 67 is not supported and is inconsistent with the final bullet point of page 78. Page 67 should be amended to read as per page 78.
- 4.2.3 Draft Development Brief Development Principle 3A c) should be amended to read "... *The minimum usable width for shared links is 3.0m ...*". The bullet point refers to the provision of integrated pedestrian and cycle routes and should reflect its meaning, which is to ensure a variety of such links are provided.
- 4.2.4 Bullet d) of Development Policy 3E does not define 'early' in terms of the delivery of the alterations to Crewe Lane to accommodate the spine road junction. It is therefore not effective and should be amended to read "... *to enable access to the northern parcels of land within H40 and to complete the spine road link.*"
- 4.2.5 The alterations proposed to Crewe Lane are supported, as is their delivery through Section 106 contributions.
- 4.2.6 Figures 30 and 32, 41, Table 2 Map Ref 6 and page 81 should be amended to delete any references to an upgrade to the existing conference centre access or secondary residential

access. As per Catesby's outline planning application (ref: W/18/1635) no such access upgrades are either proposed, or necessary and these references are therefore not justified.

- 4.2.7 The St John's Gyratory improvements will be delivered by Warwickshire County Council (WCC) through Section 106 or CIL contributions and therefore WCC will design this scheme. The reference on page 86 to the 'applicants' needing to consider such matters further should therefore be deleted.
- 4.2.8 As drafted, Development Principle 3H does not reflect the latest WCC position and is therefore not justified, nor would it be effective. It is requested that the draft Development Principle be amended to read: *"... full signalisation of the St John's Gyratory shall have been delivered. All new development shown to have a material impact at this location shall contribute towards these improvements through S106 contributions."*
- 4.2.9 Similar to other comments made above, as WCC will be responsible for the design of the improvements scheme at Dalehouse Lane, reference to the scheme needing to be agreed with WCC Highways should be removed.
- 4.2.10 The requirement for residential developments to contribute to the scheme for the realignment of Leyes Lane at Development Principle 3J have not been justified and should be deleted. The realignment is necessary to facilitate access to the proposed secondary school and not to accommodate the residential development. In addition, it is considered that the Leyes Lane / Dencer Drive signalised junction should be delivered as one scheme, as shown at Figure 39 in the draft Development Brief.
- 4.2.11 The proposals for public transport improvements at pages 89-91 of the draft Development Brief are fully supported although bullet c) of Development Principle 3K should be amended to read: *"A bus turning facility and lay-over area shall be provided towards the north of the site at a location to be agreed with WCC."* The lay-over area can be provided at any location along the spine road and should not be prescribed by the Development Brief. The indicative masterplan submitted with Catesby's outline planning application (ref: W/18/1635) shows a layover within the site and also includes a loop road to avoid the need for a bespoke bus turning area.
- 4.2.12 The proposed amended wording for Development Principle 3K would allow flexibility but ensure an appropriate facility is provided.
- 4.2.13 Table 2, Map Ref 7 (Crewe Lane Restricted Vehicle Movement) should be amended to be a 'County Council led scheme' and not developer led. This is because WCC will be delivering the scheme, through S106 funding.
- 4.2.14 Table 2, Map Ref 17 (Crewe Garden Farm A452/B4115 Link Road Phase 1) should be referred to as the 'Spine Road through Crewe Garden Farm development to connect Glasshouse Land to

Crewe Lane' scheme and references to the B4115 and A46 should all be removed as they are unnecessary and not part of the identified scheme. In addition, the funding source should be changed to S278/S38.

- 4.2.15 Table 2, Map Ref 22 (Leys Lane Realignment) should be linked to Map Ref 11 in terms of the funding source. It is also considered that it should be delivered by the school, as it forms one complete scheme with the Dencer Drive signalisation (Figure 39) (see comments at para 5.2.10 above).

4.3 Local Centre and Community Facilities

- 4.3.1 Page 99 of the draft Development Brief and Development Principle 4A: Local Centre and Community Centre set out the requirements for a number of uses to be provided as part of the community centre.

- 4.3.2 However, no evidence has been provided to justify the prescriptive requirements for the community centre set out, which go beyond the adopted Local Plan Policy DS14 which simply requires "*a community meeting place*". Whilst the Development Brief's identification of a broad location for such facilities is not objected to, Development Principle 4A is considered too prescriptive as drafted, and should include greater flexibility in its requirements, to reflect the potential for alternative forms of provision.

4.4 Education Facilities

- 4.4.1 Catesby Estates is concerned that the Development Brief's proposed location for the primary school on the Wardens Sports Ground risks the school not being delivered promptly given the potential timing constraints associated with the relocation of the Club, potentially resulting in a constraint on housing delivery across the east of Kenilworth area.

- 4.4.2 Following discussions with Warwickshire County Council and Warwick District Council and other east of Kenilworth promoters, Catesby Estates is therefore proposing the inclusion of land for a one form entry primary school (1.5ha to provide scope for potential future expansion to two form entry) within its proposals for Crewe Lane and Woodside Training Centre. The amended Illustrative Masterplan (extract enclosed at Appendix 2) shows the proposed indicative location for the primary school within the development.

- 4.4.3 The Development Brief policy and Indicative Masterplan (Figure 60) should therefore be amended to be flexible in terms of the location and format of the primary school provision, which will, in turn reflect the outcome of the currently ongoing discussions.

- 4.4.4 Catesby Estates question the pupil yield figure used which is higher than in many other Warwickshire districts. In our opinion, the child yield figure is unrealistic and likely to significantly

over-state the actual number of primary and secondary pupil places required as a result of new housing development in Warwick district. The evidence base for the figure is not currently available in the public domain and should be published for scrutiny.

- 4.4.5 On Page 101 the Development Brief states that developers of residential land within land east of Kenilworth will be expected to contribute towards the provision of around 473 additional secondary school places. Following the submission of a FOI request, it is noted that in 2017 a total of 229 children were attending the secondary school who did not live in Warwickshire. Reflecting the scale of this figure, Catesby Estates would be interested to ascertain how the County takes these figures into account with regards to when any additional secondary school places are planned in the Kenilworth area.

4.5 Biodiversity, Greenspaces, Play and Recreation Provision

- 4.5.1 Page 107 and Development Principle 5A g) of the draft Development Brief refer to the provision of a BMX/Mountain Bike Facility within a Multi-Use Games Area *"to afford alternative facilities for bikes currently using land within the Scheduled Monument..."*. It is stated that this requirement is to 'meet the needs' of the community, yet no evidence is provided to justify that need.
- 4.5.2 The current use of the area for BMX/mountain biking is done so illegally and is not a formal provision. There is no evidence on its current level of use or justification for its re-provision through either any adopted Local Plan policy or the Development Brief. Indeed, there are other similar, existing facilities elsewhere within Kenilworth.
- 4.5.3 The illegally built BMX jumps are clearly attractive to youths given their location out of general sight in an area of woodland. Reflecting this, there is no guarantee that a new purpose-built facility surrounded by new housing estate would be attractive to those who currently use the area.
- 4.5.4 The Council also need to carefully consider the practicalities of including a formal BMX facility within the new housing development. What impact will it have on surrounding residential properties? If it is constructed from natural material, how will it look when it erodes, how will it be adequately maintained?
- 4.5.5 In summary Catesby consider that it is neither a necessary, justified or practical requirement and should be deleted.
- 4.5.6 Similarly, the 'need' for two allotment sites has not been justified in the Development Brief, Development Principle 5A i). It is acknowledged that allotments will need to be provided but the Development Brief should be flexible in their location and the number of sites that are provided, unless evidence can justify the Development Brief wording as drafted.

4.6 Protecting and Responding to Local Heritage Assets

- 4.6.1 Page 112-113 of the draft Development Brief, Development Principle 5B f) requires any acoustic screening to be adjacent to the A46 dual carriageway, so as not to obscure areas of the Scheduled Ancient Monument, and 5B h) requires the retention of inter visibility to the Stoneleigh Abbey Grade II* listed Registered Park and Garden.
- 4.6.2 The location of the proposed acoustic fence within the Catesby outline planning application is currently being discussed and designed in conjunction with relevant consultees including the WDC Environmental Health Officer, Natural England and Historic England, to ensure all heritage and tree protection (in the Ancient Woodland) matters are also taken into account when determining the most appropriate noise mitigation measures to serve the proposed development.
- 4.6.3 It is therefore requested that Development Principle 5B f) be amended to recognise the competing interests involved and recognise that a balance of those interests will be required to allow the mitigation measure to come forward to the benefit of the development, in a way which is practical and achievable.
- 4.6.4 Development Principle 5B h) should also be amended as it is not effective. Requiring development proposals to ensure inter-visibility between the site and Stoneleigh Abbey is unrealistic and unachievable as the existing A46 carriageway already obscures such visibility. This requirement should therefore be deleted.

4.7 Noise, Air Quality and Contaminated Land

- 4.7.1 Development Principle 5C d) requires all future applications to demonstrate that noise from rail traffic on the HS2 route has been considered, and mitigation included where appropriate.
- 4.7.2 Catesby Estates consider that this requirement is not currently feasible given no detailed line or train information is available to allow that consideration to be made and the Environmental Health Officer (EHO) did not request this information for Catesby's planning application. Such a requirement is therefore not currently justified and should be amended to only require such information at such time as it is able to be fully considered or is required by the District Council EHO for planning applications.

4.8 Street Typologies and Street Level Design Principles

- 4.8.1 It is reassuring that WDC has emphasised the important role high quality design plays in the delivery of successful and sustainable developments. Setting out clearly defined design standards and expectations at the earliest opportunity is key when delivering a multi-phased development of the scale associated with Land East of Kenilworth.

- 4.8.2 In line with the NPPF and Planning Practice Guidance, in setting design expectations for the site, it is requested that WDC ensure a suitable balance is achieved in the wording of the Development Brief. Local planning policies, and guidance should seek to set clearly defined standards that are suitable, viable and reasonable in a way which is neither overly prescriptive or that inhibits innovation or deliverability.
- 4.8.3 Objective 7 of the draft Development Brief relates to the promotion of *"high quality design"*. Development Principle 7A: Placemaking Principles sets out the design principles which Warwick District Council expects from future developments, but then lacks clear definition on how these principles will be appraised. Reference is also made with regard to national guidance including Building for Life 12 and Secured by Design, but still is not clear on whether such tools are merely suggested or are to be strictly adhered to.
- 4.8.4 In contrast, Development Principle 7B: Street Typologies appears to suffer from an overly prescriptive approach. This section sets out a number of design principles relating to the form and dimensions of streets typologies across the site. Whilst these principles are useful, they appear too restrictive and inhibitive. An example of this is the requirement of Main and/or Primary Streets to include a 6.0m wide carriageway and contain on-street parking. This is in conflict with the requirement of local bus operators which require a minimum carriageway of 6.8m and restriction of on-street parking where possible. Other requirements which limit certain street typologies to either on-street parking only or on-plot parking only also seem overly prescriptive and have the potential to unnecessarily impact the marketability of individual plots.
- 4.8.5 In response to the above, we would therefore urge Warwick District Council to review the content and tone of Principle 7B in order to promote and secure high-quality design standards in a way which will not have a detrimental impact on the delivery of the wider project.

4.9 Incorporating High Quality Public Art into the Development

- 4.9.1 Development Principle 7E of the draft Development Brief states that all major applications for development should include a scheme for the provision of public art, but makes no reference to any adopted Development Plan policy on which this requirement is based. While the provision of some form of public art could help enhance the development, Catesby would be concerned if the implementation of the Development Brief policy simply resulted in a request for a sizeable financial S106 contribution for the provision of public art, which it is considered would not be fully justified with reference to the CIL Regulation tests. Catesby consider that the Development Principle 7E should be clear that financial contributions will not be requested for public art provision.

4.10 Utilities

- 4.10.1 Development Principle 8 e) requires developers to contribute to improvements to Kenilworth's existing primary substation, but this requirement is not considered to be a planning issue and regardless is neither evidenced nor justified.
- 4.10.2 Even were such contributions justified they would also be subject to relevant CIL Regulations and S106 pooling restrictions. This requirement should be reconsidered and deleted.

5.0 Chapter 9 – Indicative Masterplan and Scale Parameters Plan

- 5.0.1 As set out in Section 4 above, in line with the NPPF and Planning Practice Guidance, these representations seek to ensure that Warwick District Council to ensure that local planning policies and the aspirations of the Development Brief achieve a balance between clearly defining standards that are suitable, viable and reasonable in a way which is neither overly prescriptive or that inhibits innovation or deliverability. This sentiment continues with reference to Chapter 9 of the draft Development Brief.
- 5.0.2 Page 148 of the draft Brief explains that whilst the masterplan and associated supplementary plans are indicative in nature, "*...development is expected to be in general accordance with the Masterplan and where infrastructure is shown on a particular landholding, it is expected that it will be delivered in that location.*"
- 5.0.3 The inclusion within the Development Brief of an Illustrative Masterplan and other supplementary plans providing additional narrative to key design principles is welcomed and can help to articulate the key design objectives. Notwithstanding, being part of the introduction to this chapter, it is felt that the text quoted above is too rigid and inhibitive and should be amended accordingly to allow a greater degree of flexibility to responding to unforeseen circumstances and site constraints.
- 5.0.4 It is also noted that a number of site constraints identified by Catesby Estates in their data collection informing the current outline planning application (ref: W/18/1635) have not been recognised in the Illustrative Masterplan. An example being that the Illustrative Masterplan included within the draft Development Brief advocates the removal of an Ancient semi-natural woodland and proposes the location of a Sustainable Urban Drainage System (SUDs) within the setting and buffer of a Scheduled Ancient Monument. This would not be deemed acceptable by a number of statutory stakeholders and would bring into question the suitability and deliverability of the development.
- 5.0.5 As such, we request that Warwick District Council amend the Development Brief to emphasise the illustrative role such plans have within the development brief as a mechanism for articulating key design principles and not as rigid proposal within which forthcoming proposals must accord.

6.0 Chapter 10 – Delivery

6.1 Collaboration and Consultation

6.1.1 Catesby has worked collaboratively with Warwick District Council and the other east of Kenilworth promoters / landowners in developing their proposals for the H40 allocation. As the Development Brief acknowledges it is unrealistic to require the submission of a single outline application for the whole area. The various landowners / promoters across the area are at differing stages in the preparation of their individual proposals / proceeding to different timescales. It is considered that the 'Delivery' section of the Brief should specifically acknowledge this reality.

6.2 Development Phasing

6.2.2 Phasing for the delivery of Catesby's H40 allocation will not be determined until a housebuilder / housebuilders have been selected to take forward the development. Reflecting this, Catesby consider that it is unnecessarily prescriptive to seek to control the direction of development across the site. Given the requirement for the early delivery of the spine road, it is not necessarily the case that the development of Crewe Gardens Farm would be disconnected. It should also be acknowledged that Crewe Gardens Farm is also the proposed location for the required primary school.

6.3 Infrastructure Delivery Triggers

5.1.1 Page 163 of the draft Development Brief sets out a number of triggers for the provision of infrastructure associated with the land east of Kenilworth. It is requested that some of these be amended as follows:

- Highways Bullet Point 1 – amend wording to read "*Unless otherwise agreed with the Local Planning Authority and Local Highways Authority ...*". As worded, this has not been fully justified or evidenced and the proposed amended wording would allow flexibility in the delivery of such improvements, to be delivered in accordance with requirements agreed during the course of planning applications.
- Highways Bullet Point 2 – This requires the spine road within Catesby's land interests to be provided and operational prior to the occupation of any dwelling but again has not been justified or evidenced. This requirement is onerous and should be removed. There is no evidence to suggest that the spine road, as it will be designed, is necessary prior to the occupation of any dwellings on the site. Instead, a trigger will be agreed as part of the Catesby outline planning application and included on any permission, to ensure the spine road is delivered. Based on the transport modelling undertaken it is

proposed that the threshold for the completion of the spine road should be the occupation of the 200th dwelling.

6.4 Securing Infrastructure

- 6.4.1 As drafted, the Development Brief aspires to the delivery of a comprehensive development across the entire area comprising the 'land east of Kenilworth'. Notwithstanding this desire, the land across the area is in separate ownership and therefore the submission of a single outline planning application is considered to be an unrealistic expectation. Each individual development proposal that is submitted will therefore need to be capable of being acceptable on its own merits, whilst also taking into account the aspirations of the Development Brief to ensure a comprehensive development comes forward.
- 6.4.2 Catesby therefore consider that the Development Brief should include some form of appropriate mechanism to ensure that the total necessary open space requirements (as set out on Table 3 of the Development Brief) is equally shared and delivered across the various landownerships / separate applications. The agreed mechanism should recognise and reflect the existing open space typologies already contained on the individual sites. For example, the land under Catesby's promotion includes approximately 3.9ha of woodland / orchard / land designated as a Scheduled Ancient Monument which will provide publically accessible open space, but cannot be used for alternative purposes.
- 6.4.3 Catesby Estates is working with the LPA and other promoters in the area to consider and develop a mechanism for inclusion within the final Development Brief that will allow for appropriate and policy compliant apportionment of open space across the land interests present within the 'land east of Kenilworth area'.
- 6.4.4 There is no in principle objection to the general content of Table 6: Infrastructure Requirements at pages 164-165 of the draft Development Brief. However, all such requirements must be fully justified, CIL Regulation compliant and must meet the relevant tests for pooling of contributions for Section 106 Agreements. At present, the derivation of the indicative costs in Table 6 is not provided, nor is there any indication as to specific schemes on which the contributions would be spent. The Council must ensure that any requested contributions are CIL Regulation compliant and would not fail the S106 pooling restriction tests as currently drafted.
- 6.4.5 The 'Public Transport' row of Table 6 sets out costs for bus stops along the spine road. The cost of bus stop provision along the spine road within the associated development parcels would be built into the construction costs of the road and delivered within a Section 278/38 Agreement. Therefore, only contributions toward 'off-site' bus stops should be included in Table 6.
- 6.4.6 Page 167 of the draft Development Brief refers to contributions that will be requested toward

capacity improvements for, inter alia, Kenilworth substation. Our comments on this requirement are as set out at paras 5.10.1 – 5.10.2 above.

- 6.4.7 The 'per dwelling' contribution toward the costs of off-site highways infrastructure at page 167 of the draft Development Brief is supported and is considered a simpler approach than determining a per trip cost at each junction or through leaving the site/s.
- 6.4.8 Page 167 of the draft Development Brief sets out the LPAs stance on the provision of contributions from developments to primary and secondary education matters, the Local Centre and Community Centre and Allotments. Catesby Estates' comments on matters relating to Education, the Local Centre and Community Centre and Allotments are set out at Sections 5.3, 5.4 and 5.5 of these representations. All requested contributions from housing developments must be proportionate to the proposed development, and sought only to mitigate the impacts of that proposed development. In addition, as referred to elsewhere within these representations, all contributions must be CIL Regulation compliant and meet with relevant S106 Agreement pooling restrictions.
- 6.4.9 Notwithstanding, and in addition to the above comments, Page 167 also states that development of housing sites "*will be required to contribute proportionately to the land and build costs of the new secondary school...*". This position is not objected to in principle but the mechanism for securing such contributions and the proportion of build costs / land against which contributions are sought must be transparent and ensure that the development sites are only required to contribute where the proposed development will impact the existing infrastructure (i.e. the additional places required to be provided at the school).
- 6.4.10 Reflecting the separate land ownerships across the area, as well as the uncertainties and practicalities associated with the delivery of self-build / custom build as part of larger volume housebuilder developments, Catesby consider that it is not feasible or practice to require fewer, larger areas of self-build / custom build. The Council should recognise and accept that for commercial reasons no individual promoter / landowner is likely to be willing to accommodate a larger proportion of self / custom build on one individual site and that a method of equalising the requirement across the area would be extremely difficult to devise. Catesby consider that the Development Brief should be amended to reflect this.

Appendices

Appendix 1

Catesby Estates Land Interests



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CLIENT
 GIMBING ENTERPRISES

PROJECT LOCATION
 Land East of Highways 17
 (former Goodwin Farm and Woodlands)

DATE
 08/10/2018

SCALE
 1:2500

DATE
 August 2018

Turley

Appendix 2

Indicative Location of Proposed Primary School

Extract from Proposed Masterplan showing residential development of the Catesby Estates land interests, including land for a primary school.

