

**TOWN AND COUNTRY PLANNING ACT 1990**  
**NEW LOCAL PLAN**  
**WARWICK DISTRICT**

**1.0 Introduction**

1.1 The following submissions are made on behalf of A C Lloyd Homes Ltd and Northern Trust

**2.0 PO1: Preferred Level of Growth**

2.1 The Council's Preferred Option is for the level of growth between 2011 and 2029 to be 10,800 dwellings at an annual average of 600 dwellings per annum. An objection is made to the level of growth in Policy PO1 and the justification for this as set out in paragraphs 5.6 to 5.23 for the reasons explained below.

2.2 The Council has identified a plan period only up to 2029, which seems to be 15 years from the anticipated year of adoption (April 2014 in paragraph 3.7). This reflects the guidance in the National Planning Policy Framework (The Framework), but it is noted that the time frame of the demographic and employment evidence base that the Council is relying refers to the period 2011 – 2031. It is likely therefore that the choice of an end date of 2029 will artificially restrain the levels of growth. It is considered therefore that the time period of the local plan should be extended to 2031 to take account of the the Local Plan is based on 'adequate, up-to date and relevant evidence about the economic, social and environmental characteristics and prospect of the area (paragraph 158 of the Framework). It is possible that the adoption of the Local Plan would be delayed until after April 2014, and in any event the Local Plan does not demonstrate that it has taken account of longer terms requirements as required by the Framework.

2.3 By using the 2029 time period the Local Plan, using the Council Preferred Option could potentially under provide 1,200 dwellings and about 850 jobs.

## Choice of Level of Growth

- 2.4 The Council's decision to choose the Option 1 level of growth 600 dwellings pa 2011-2029 (lower than Option 2 – 700 dwellings pa) seems partly to be on the basis that the national economy is not performing as well as expected – paragraph 5.22. This is despite the Option 2 figure being more in line with the available evidence base (West Midlands Integrated Policy Model – Cambridge Econometrics July 2010) which reflects the fact that the local economy of Warwick District has and will be likely to continue to perform better than the West Midlands and national average- see the comments at paragraphs 8.2, 8.3 and 8.4 of the draft Local Plan. The Council's cautious aspirations in terms of housing and employment related growth in Section 5 of the draft Local Plan seem to be at variance with the positive comments about the local economy set out in Section 8 of the Preferred Option document. It is noted that paragraph 8.21 states that *'further work is needed to clarify this figure (need for additional jobs) in relation to more up to date economic and demographic projections and to examine the impact of potential development at the Coventry and Warwickshire gateway site...'*. If this is the case for employment growth then it follows that the further demographic and economic modelling may result in a different housing requirement being identified. In this context the evidence base for the draft Local Plan fails to demonstrate how it has been positively prepared in the context of paragraph 182 of The Framework whereby the *'the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements...'* and paragraph 158 of the Framework which states *'Each local planning authority should ensure that the Local Plan is based on adequate, up to date and relevant evidence about the economic, social and environmental characteristics and prospect of the area. Local Planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals'*.

- 2.5 It is also suggested in paragraph 5.20 that the testing of the two options in the Sustainability Appraisal Framework (SAF) results in Option 1 being preferred. An examination of the SAF reveals that this is not the case. Firstly it is noted that the SAF May 2012 is an 'initial report' that is at the beginning of the process, that sits between the 'scoping report and the 'Sustainability Appraisal Report'. Secondly, it is noted that the SAF has been prepared by Warwick DC and not by an independent assessor.
- 2.6 The table below paragraph 3.7 of the SAF refers to two growth scenarios – trend based (600 homes p.a.) and employment growth based (700 homes p.a.). It is noted that both of these options score the same i.e. 2.5 in the Council's assessment. Appendix 3 of the SAF does not identify whether consideration of these 2 options is based upon an aggregated assessment of individual sites – and if so whether the sites used are the same or different. The SAF does not explain how the consideration of the four options (in the latter part of Appendix 3 and in Section 3.9 of the main Report) have been utilised for the purposes of defining the Preferred Option.
- 2.7 It is also important to note that the Sustainability Appraisal Scoping Report (March 2011) included at Appendix 4 a review of growth options. It is noted that Table 9 identified an annual average increase of 840 households in Warwick District for the period 2008 – 2033 based on CLG 2008-based Household Projections. The Council's own consultants, CQW/Cambridge Econometrics produced a study in 2010 which estimated the annual average increase in households at 800. In this context, the Council's report states at paragraph 5.1

*“There is evidence that if existing trends in household growth and economic forecasts are continue, there will be a need to provide an annual average of around 800 new dwellings a year up until 2026. This level of new development broadly equates to the potential supply of land identified within the SHLAA. The Council are of the opinion that this should be the higher growth option....”*

- 2.8 There is no substantive basis to establish the rationale for rejecting a higher growth option of 800 dwellings per annum as proposed during the earlier consultation process. It appears that this option was not tested as part of the SAF process.
- 2.9 In short, it is considered that SAF is not a robust or sound basis for the purposes of identifying a Preferred Option for the Local Plan. It is not transparent. It is not possible to assess the implications of choosing different sites within an option. Consequently, it is considered that the draft Local Plan is not consistent with national policy in enabling the delivery of sustainable development in accordance with the policies in the Framework. Moreover, it is considered that the SAF does not meet the requirements of the EU Strategic Environmental Assessment Directive (European Directive 2001/42/EC) which requires that all plans and programmes are assessed in terms of their impact on the environment.
- 2.10 There is also no evidence base that the Council provides to support the contention in paragraph 5.23 that there is a *'lack of certainty, therefore, that a sufficient number of homes on strategic sites could delivered within the plan period to meet Option 2'*. This implies, logically, that some strategic sites are more capable of delivery than others, and perhaps have a finite capacity within a specified time frame. However, no assessment is provided to support this contention. For example, the 16 criteria used in the SAF do not include reference to delivery within the plan period in whole or part.
- 2.11 On the basis that Option 1 and 2 score the same in the SAF, and that the Council has chosen the lower growth option (and seemingly ignored following the initial consultation stage, a further higher growth option 'Scenario 3' founded on a robust SQW/Cambridge Econometrics evidence base), we consider that the draft Local Plan fails to meet the objectively assessed requirements for population, housing and employment growth, utilising the Council's own evidence base.
- 2.12 For example, choosing Option 2 in preference to Option 1 would result in the draft Local Plan making provision for an additional 1800 dwellings, and 1800 jobs 2011 – 2029 (increasing to 3,200 dwellings and 3,000 jobs if the plan period is extended to 2031).

2.13 The Preferred Option does not therefore support building a strong competitive economy in the context of paragraph 21 of the Framework and does not meet the full objectively assessed needs for market and affordable housing as required by paragraph 47 of the Framework.

### **3.0 PO2: Community Infrastructure Levy**

3.1 We support principle of the development of a Community Infrastructure Levy for Warwick District, but wish to ensure that the development industry is properly represented in the CIL formulation. It is evident from the draft Local Plan that there are misconceptions about the practicalities of delivering strategic development sites, for example seeking to impose an inappropriate phasing policy (paragraph 7.20 and PO:4). The development industry can assist the local planning authority and other stakeholders in formulating a robust CIL and this expectation of co-operation should be added to the policy.

### **4.0 PO3: Broad Location of Growth & PO4: Distribution of Sites for Housing**

4.1 This is a more complex area but the key factors to be considered relate partly to the above points concerning the inadequacies of the SAF i.e. how can we be confident about the overall strategy if the link between individual choice of sites and the overall approach is not transparent? Consequently an objection is made to Policy PO3: Broad Locations for Growth and the justification for this set out in paragraphs 7.8 to 7.22.

4.2 It is noted that paragraph 7.8 does not refer to the SAF. Does this mean that the individual sites have been tested within a Strategic Environmental Assessment that has informed their selection?

4.3 It is also noted that paragraph 7.8 does not make reference to the Landscape Character Assessment (LCA) for land south of Warwick and Leamington (February 2009) commissioned by WDC and prepared by Richard Morrish Associates Ltd. This report is referred to as being part of the Council's evidence base for the consideration of

Landscape and Green Belt matters in Local Plan on the Council's website. It is included alongside the 2009 Green Belt Review.

4.4 The background section to the LCA states:

*1.1.....The (Green Belt) study sought to identify land that contributed the least towards the Green Belt and was the least constrained in environmental and physical terms. The data gathered will inform each Council's emerging Core Strategy. Richard Morrish Associates Ltd (Chartered Landscape Architects, and a registered practice of the Landscape Institute) worked with Smith Stuart Reynolds to provide a preliminary landscape assessment of the study areas and to provide an evaluation of the extent to which they contributed towards the planning purposes of Green Belt as set out in PPG2*

*1.2 The West Midlands Green Belt only extends to areas located north and west of Warwick and Leamington and therefore land south of Warwick and Leamington was not considered in the joint authority Green Belt study.*

*1.3 In December 2008 Richard Morrish Associates (RMA), were appointed to provide a preliminary landscape assessment of land to the south of Warwick and Leamington Spa. The objective was to assess the contribution that these study areas presently make to the existing urban structure of Warwick and Leamington and to evaluate which areas might be considered most important in preserving the character and appearance of the towns in the longer term.*

4.5 It should be the case therefore that the choice of development locations in Warwick and Leamington has been influenced by the Joint Green Belt Study (January 2009) and the LCA for the Area south of Warwick and Leamington (February 2009), in addition to the other matters set out in paragraphs 7.8 and 7.24. If this is the case specific reference to the LCA should be included within paragraphs 7.8 and 7.24. It is noted that the sole reference to the LCA is at paragraph 10.18 in the context of built environment. If the LCA, has not been utilised for the purposes of identifying preferred locations for development – and hence has been purposefully excluded from

paragraphs 7.8 and 7.24 of the Local Plan, then the Council should clarify this, and if necessary correct this oversight.

4.6 In terms of specific points in respect of PO3: Broad Locations for Growth:

- Objection is made to paragraphs 7.8 to 7.22 for the reason outlined above.
- Objection is made to the proposed phasing provision identified in paragraph 7.20. There is no evidence provided by the Council to justify a phasing policy. Indeed, on the one hand the Council express concerns about the ability of strategic sites to deliver with the plan period (paragraph 5.23) and then propose in paragraph 7.20 a phasing policy that is likely to artificially constrain strategic sites from being brought forward in a timely manner. Strategic sites require a significant lead-in time. Major infrastructure works are required involving substantial up-front costs to create developable plots. Schools, community centre, district centre facilities etc may also need to be built at an early stage of the development process. It is not appropriate to impose an arbitrary phasing restriction on their delivery which may simply serve to undermine the viability of a development. Reference to phasing should be deleted from the Local Plan.
- Objection is made to paragraph 7.15. It is considered that the Green Belt Study 2009, by itself, does not provide a sufficiently robust evidence base to demonstrate the very special circumstances that justify the scale of land proposed to be released from the Green Belt to the north of Warwick and Leamington. This objection is related in part to the lack of reference to the LCA in the draft Local Plan assessment of the broad locations for growth in Warwick and Leamington.

4.7 In terms of specific locations identified in PO4: Distribution of Sites for Housing:

- Whitnash East (South of Sydenham) is supported.

The Landscape Character Assessment (LCA) assessment for Sydenham concludes that:

*“The railway line makes a definitive edge to Whitnash and there are constraints for development of this area. However, as it is relatively hidden from the main towns and their approaches, in theory this area could be developed without significant harm to the landscape setting of Warwick or Leamington”.*

4.8 There is an objection to Policy PO4 in terms of the proposed phasing of the proposed allocation at Sydenham for the reasons highlighted in paragraph 4.6 above. It is not appropriate to impose an arbitrary phasing restriction on their delivery which may simply serve to undermine the viability of a development. Reference to phasing should be deleted from the Local Plan. This is particularly relevant for Sydenham as it can be considered separately from the debate about whether the scale of Green Belt releases are justified north of Leamington – see below in respect of an objection to parts of Policy PO4 and the related justification in respect of paragraphs 7.24 to 7.33 .

- Objection is made to the scale of Green Belt releases proposed for the north of Warwick and Leamington.

4.9 In considering the scale of proposed locations for growth in the Green Belt north of Warwick Leamington and on land south of Warwick, the Council’s evidence base on firstly, green belt matters does not provide the exceptional circumstances necessary to justify the proposed scale of green belt release.

4.10 Very substantial blocks of land have been identified for release. There is no rationale that justifies why these blocks should be released or why a more disaggregated



approach has not been applied i.e. an exercise that requires a field by field analysis of the implications of green belt release – for example, this is the type of exercise currently being undertaken in Chester when it was established that in principle green belt land was required.

- 4.11 Secondly, the Council accept that the scale of housing growth makes it necessary to locate development on green field land outside the existing built up area and go on to contend (in paragraph 7.30) that the option for focussing development outside the Green Belt in the Heathcote area would have significant impacts on the natural and historic environment due to the high concentration of new development to the south of the towns with increased cross-town traffic.
- 4.12 We note that in the previous Core Strategy Preferred Options June 2009 para 3.14, the Council stated that developing growth to the south of the town would “minimise journeys through the historic town centres to the main employment areas and transport connections to the south and to avoid incursion into the West Midlands Green Belt to the north, east and west of the urban area...”
- 4.13 The green belt ‘exceptional circumstances case’ is set out in paragraphs 7.26 - 7.33 of the draft plan. These arguments seem weak especially as one of the key concerns (expressed in paragraph 7.30) is the *‘continued southerly spread of development and the impact of closing the gap between Warwick/Whitnash and Bishops Tachbrook’*. In other words, this location which has no current policy protection is considered to be more important to retain as undeveloped than taking land out of the green belt which demonstrably services a green belt function and the purposes of including land within it.
- 4.14 It is considered that the Council’s evidence base does not support the strategy for Green Belt release north of Warwick and Leamington.
- Objection is made to the proposed allocation South of Gallows Hill/West of Europa Way, Warwick

- 4.15 Not only is objection raised to the scale of release of green belt north of Warwick and Leamington due to the lack of credible evidence base but similar objections exist in terms of the choice of locations south of Warwick. It is submitted that the land west of Europa Way should be considered separately from land south of Gallows Hill. The LCA suggests that the draft Local Plan by combining Europa Way and Gallows Hill has chosen the sites south of Warwick that will have the greatest impact.
- 4.16 For the land west of Europa Way (proposed allocation) the LCA concludes “*Although this wedge of undeveloped land has been a strategic break between ‘Warwick’ and ‘Leamington’, we feel its value to the setting of the towns has been greatly diminished by surrounding land use. We feel that carefully considered development here could enhance the setting of the towns and provide a better transition from rural to urban land*”.
- 4.17 For land south Gallows Hill (proposed allocation) the LCA concludes “*This is generally an area of well maintained agricultural land that is important to the setting of Castle Park and prominent in approaches to Warwick. We feel it should be safeguarded from development. However the former landfill site at Turnbull’s Gardens is an anomaly in the landscape that needs additional consideration*”.
- 4.18 Having regard to the above it is considered that land south of Gallows Hill should be deleted from the Local Plan and replaced with a new allocation that relates to the southern part of ‘land south of Harbury Lane’.
- 4.19 For land south of Harbury Lane the LCA concludes “*This area is on a ridge of higher ground that is prominent in some views from the south. Development here would be a relatively prominent urban extension. However sensitive development could at least be contained ‘naturally’ by Tach Brook, and it would be reasonably easy to integrate to existing development*”.
- 4.20 We submit that the development most capable of integrating to existing development should be focussed on Grove Farm, and the Severn Trent redundant sewage treatment works as portrayed on the attached Plan 1. This area incorporates the former sewage

works brownfield site. The land is deliverable in whole or in part to suit development requirement. It is noted that land to the north which is in separate ownership (Gallagher Estates) is the subject of separate representations. The respective landowners have mutually agreed to cooperate in any new development which might include these land parcels.

## 5.0 PO5: Affordable Housing

- 5.1 An objection is made to PO5 in respect of affordable housing and the policy justification set out in paragraphs 7.43 to 7.50. There is a conflict between the 40% figure that is identified as part of the text of PO5 and the reference in paragraph 7.47 which states that ‘...[the SHMA] *accepts that a realistic proportion might be 30% or 180 per year*’. Paragraphs 158 and 159 of The Framework refer to using a proportionate evidence base, with the SHMA providing guidance on the need for affordable housing. Notwithstanding the conclusions of the SHMA about what is realistic in terms of affordable housing the Council has opted for a figure of 40%.
- 5.2 The draft Local Plan also needs to clarify that the provision of affordable housing relates to the definition of affordable housing set out in Annex 2 of the Framework, in particular to confirm that there is no national policy requirement to provide all types of affordable housing as part of a single proposal. As stated in paragraph 50 of The Framework, local planning authorities should ‘*identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand...*’. In this context it is noted that paragraph 7.50 of the draft Local Plan seems to be at variance with The Framework in that ‘*the Council is reluctant to adopt a different policy to suit different site types or locations*’.

## 6.0 Conclusions

- 6.1 It is apparent that the Council's evidence base is not sufficiently robust to support the scale and locations for growth north of Warwick and Leamington and south of Warwick.
- 6.2 In other historic towns where similar considerations apply it is usual to expect the Council to have undertaken a 'setting study' for Warwick and Leamington that would provide an opportunity to properly appraise the role and (landscape and green belt) function of individual locations within the natural and historic environment. Such studies have been undertaken for Salisbury, Winchester, Cambridge and Chester. There is a conspicuous absence of such an analysis in Warwick Leamington. As a consequence the draft Local plan is not sound and as demonstrated above has not been subject to a robust Strategic Environmental Assessment. These are legitimate representations to make at this stage and will require the Council to undertake additional works to enhance the quality of the evidence base to put in place a Local Plan that can then be properly considered against the tests of soundness set out in paragraph 182 of the Framework.