



Warwick District Draft Local Plan 2014
Respondent: The Europa Way Consortium

Proposed Modifications to Local Plan Policies Map No. 2 - Leamington Spa, Warwick and Whitnash

June 2014
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**WARWICK DISTRICT SUBMISSION DRAFT LOCAL PLAN 2014
Representations on behalf of the Europa Way Consortium –
Respondent No.5048**

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

Local Plan or SA: Local Plan

Paragraph Number:

Policy Number: DS6 Level of Housing Growth

Policies Map Number:

5. Do you consider the Local Plan is:

5.1 Legally Compliant? Yes

5.2 Complies with the Duty to Co-operate? Yes

5.3 Sound? No

6. If you answered no to question 5.3, do you consider the Local Plan and/or SA unsound because it is not: (please tick that apply):

Positively Prepared:

Justified:

Effective:

Consistent with National Policy: ✓

7. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

The housing target in policy DS6 should be clearly identified as a minimum to enable the full objectively assessed needs to be met.

Warwick District faces a high level of affordable housing need and we support this recognition throughout the Plan. The Local Plan strategy states that “providing opportunities to deliver the housing needed...is central to the Plan, ensuring this is high quality and affordable, at the same time as meeting the needs of everyone”. In addition, the Plan’s identified strategic priority sets out to provide the homes that the District needs; in particular highlighting the need for high quality and affordable homes.

We strongly support Strategic Policy DS2 which provides a clear commitment to providing “in full for the Objectively Assessed Housing Need”. The Joint SHMA 2013 sets out the basis for establishing the District’s objectively assessed affordable housing need. It identifies a need for 268 new affordable homes each year between 2013 and 2031. However this figure of 268 has been calculated based on an assumed period of 18 years over which the backlog of affordable housing need should be met. The PPG is clear that Local Authorities should aim to deal with past undersupply of housing within the first five years and where this cannot be met they should work with their neighbours under the Duty to Cooperate (paragraph 035 reference ID: 3-035020140306). Following this guidance and reducing the backlog to 5 years, the affordable housing requirement increases from 35 to 127 affordable dwellings per annum. The overall affordable housing need therefore increases from 268 to 360 affordable dwelling per annum.

The 2013 Joint SHMA also incorporates an assumption of zero migration. This is in contrast to the 2012 SHMA for Warwick which included trend based migration at 460 persons per annum within its assessment of future housing need. The December 2012 Economic and Demographic Forecasts study shows against the baseline projection a net in migration of 855 persons a year in Warwick. Therefore the zero migration scenario used in the 2013 SHMA is likely to have underestimated the need for affordable housing. In addition the 2012 SHMA identified a need for 698 affordable dwellings per annum in the District. This is a significantly higher level of need, identified only the year before the Joint SHMA. As such we would recommend that the overall housing target as set out in policy DS6 is stated as a minimum which could be exceeded.

The table below indicates that the highest percentage of affordable housing achieved in any one year since 2000/2001 has been 28.1% in 2008/2009. However, this was achieved in a year in which total housing completions were relatively low and public subsidy more widely available. In the light of an average performance of just 14.4% affordable housing delivery over this period the realism of achieving 40% must be seriously questioned. Furthermore the table demonstrates that some of the better years for delivery of affordable housing (2000/2001 and 2002/2003) the percentages were actually quite low. This emphasises that if sufficient numbers of affordable dwellings are to be delivered then correspondingly sufficient numbers of market dwellings must be delivered too.

Year	Total Homes Completed	Total Affordable Housing Completed	Percentage affordable housing delivered
2000/01	1000	177	17.7
2001/02	872	52	6.0
2002/03	973	161	16.5
2003/04	733	87	11.9
2004/05	746	70	9.4
2005/06	782	30	3.8
2006/07	523	54	10.3
2007/08	606	167	27.6
2008/09	427	120	28.1
2009/10	188	46	24.5
2010/11	97	1	1.0
2011/12	137	26	19.0
2012/13	271	71	26.2
Total	7355	1062	14.4

Furthermore, Local Plan provides for 12,860 new homes between 2011 and 2029, which equates to approximately 714 dwellings per annum. This provision figure is over 100 dwellings less than what the Joint SHMA states is the objectively assessed housing target for the District based on an annual housing need of 720 homes over the 20 year period 2011 to 2031.

Concluding comments

The Draft Local Plan properly recognises the issue of high house prices limiting the ability of local people to buy or rent a property in the area; creating both a current and future need for affordable housing. We strongly support policies DS2 and H0 in planning to meet the full objectively assessed housing needs. However the housing target in policy DS6 should be clearly identified as a minimum delivery requirement, net of demolitions, and not an absolute target i.e. a housing requirement that may be exceeded where justified by evidence of need, demand, affordability and sustainability considerations to enable the full objectively assessed needs to be met.

8. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at 7. above where this relates to soundness. (Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan 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.

Draft Local Plan Policy 'DS6 Level of Housing Growth' should be amended as follows:

Net of demolitions, the Council will provide for **a minimum of** 12,680 new homes between 2011 and 2029

9. If your representation is seeking a modification, 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:

One of the strategic site allocations in the Draft Local Plan (Site Ref. H01 - Land West of Europa Way) includes land principally within the ownership of the Europa Way Consortium.

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

Local Plan or SA: Local Plan

Paragraph Number:

Policy Number: DS9 Employment Site Allocations (Ref E1)

Policies Map Number:

5. Do you consider the Local Plan is:

5.1 Legally Compliant? Yes

5.2 Complies with the Duty to Co-operate? Yes

5.3 Sound? No

6. If you answered no to question 5.3, do you consider the Local Plan and/or SA unsound because it is not: (please tick that apply):

Positively Prepared:

Justified: ✓

Effective:

Consistent with National Policy: ✓

7. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Land West of Europa Way is a highly sustainable and logical location for meeting a significant share of the identified growth needs of the District, and its inclusion under Policy DS11 as an allocated housing site is fully supported. The Consortium does not, however, support the Council's decision to allocate, under Policy DS9, 8 hectares of the same site for employment uses. It is our considered view that not only would the allocation of B1 and B2 employment uses be detrimental to the successful delivery of a sustainable residential-led urban extension at this location, but the existing evidence base does not provide sufficient justification for the proposals nor is the employment allocation in accordance with the NPPF.

According to the Draft Local Plan (Paragraph 2.33) "*Employment land will be provided adjacent to Warwick Technology Park on land north of Gallows Hill ... [i.e. Land West of Europa Way]. This will build on existing good quality employment provided at the Technology Park supporting its long term future and taking advantage of the sites proximity to the strategic road network...*". However, the NPPF calls on local planning authorities to apply a sequential approach to the selection of sites for offices with town centres locations being first in the hierarchy, then edge of centre locations and only if suitable sites are not available should out of centre sites be considered. It does not appear from the Council's own evidence base that a sequential approach to site selection has been followed.

Although the GL Hearn's Employment Land Review (2013) report does include a section which identifies areas on the peripheries of the main towns in the District with future employment potential, there is a lack of transparency as to how such locations compare sequentially against alternatives. Furthermore the identified need for 'additional' employment land is partly in response to assumptions taken over some existing employment sites which are identified as having employment suitability issues and which could be proposed for release from employment use. Surprisingly one such site is WDCs existing civic offices at Riverside House, Leamington Spa, which GL Hearn acknowledge as a "suitable office location" but they go on to state would be clearly "attractive for residential redevelopment" (Paragraph 5.17 to 5.19 and Figure 19, pg 48). The site's alternative use

potential is clearly not a justification for it being considered un-suitable for employment yet this appears to be what the study concludes, and is partly the reason why the District Council has allocated the site for residential under Policy Ds11 and why it is currently looking at alternative sites in the town centre to build new civic offices.

Notwithstanding this it is also important to note whilst GL Hearn's recommend in the same report that it would be appropriate to allocate new employment land adjacent to Warwick Technology Park for future expansion of the Technology Park, at the time of conducting their research the author's were informed that the then committed employment site Gallagher Business Park (13.5ha), located immediately south of Tachbrook Park fronting onto Heathcote Lane, should not be considered as being available to meet future supply needs for most of the site was being reallocated in the emerging Local Plan (Revised Development Strategy) for residential (Paragraph 5.14 and Figure 18, pg 46). At the time the public were formally consulted on the Revised Development Strategy the Consortium submitted written representations in which we argued that the Gallagher Business Park should be safeguarded as an employment site.

Unfortunately the District Council did not agree. In August 2013 outline planning permission was granted on the site for 220 dwellings (W/13/0607). Similarly not long before that decision the Council granted planning permission for housing on another allocated employment site in south west Warwick known as Tournament Fields; a site considered by the Council as one of the District's most important employment opportunities currently available to meet future needs.

Even if additional employment land is needed over the plan period in the south Warwick/Leamington area, we question the rational for allocating the southern part of 'Land West of Europa Way' for this purpose. In fact there are a number of factors which we consider reveal the proposals to be flawed:

- Whilst the site does sit adjacent to WTP, there are no existing pedestrian or vehicular links between the two and, given existing development on WTP and local topography (WTP sits in a 'bowl'), there is no recognised prospect of any being established in the future. Therefore we strongly disagree with the suggestion that having employment on land north of Gallows Hill/west of Europa Way would be better than alternatives to support its long term future. Land opposite WTP, and south of Gallows Hill, is much better placed to serve as an extension the existing employment site.
- Having regard to the existing employment land supply within the District we contend that there will not be the market for additional employment land in this part of the District, especially during the first phase of the Plan. An argument supported by the Council's recent decision to grant planning permission for housing on allocated employment sites, including a site opposite the proposed site allocation.
- If there were a delay in the take up of employment land on the site it could have a detrimental impact on the wider proposed urban extension, in particular the delivery of new infrastructure including a proposed spine road which would link Gallows Hill (road) with Europa Way (A452). The spine road is not only proposed under emerging planning applications for Land West of Europa Way as a public transport (bus) route, but would provide convenient pedestrian and cycle access for those children from the Warwick Gates area who currently attend Myton School or would attend the School in the future.
- A major employment allocation at this location would also generate significant traffic movements and therefore would be detrimental to opportunities to secure safe and convenient pedestrian and cycle access to Myton School for children in the wider area, but in particular those from Warwick Gates and the planned urban extension

south of Harbury Lane.

- A major employment allocation at this location is considered incompatible with residential proposed on the same site. In particular the amenity of residents is likely to be compromised in terms of visual impact, noise and traffic especially at peak periods.
- General Industrial (B2) employment is considered incompatible with B1 uses and clearly at odds with the Council's stated reason for allocating employment in this location (paragraph 2.32). Having B2 on the same site as B1 will dissuade most high-tech office based companies from investing in the site because they would be concerned over the type of neighbouring employment use which might come forward at a later stage.
- The southern end of Land West of Europa Way commands an elevated position compared to land to the north, west and south. It is therefore considered that the visual impact of large offices will be harder to mitigate than 2 to 3 storey houses which offer more flexibility in terms of mitigating their visual impact through the physical arrangement of units/ roof lines and tree planting throughout the site and other screen planting.

Finally with specific regard to Land West of Europa Way we consider that simply by providing residential development within this part of Warwick, the result will be a more sustainable pattern of development through the creation of a better mix of land uses; the site is already surrounded by employment opportunities which are within easy walking /cycling distance including, but not limited to, Warwick Technology Park (WTP) but also Tachbrook Park, Spa Business Park and Heathcote Industrial Estate.

8. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at 7. above where this relates to soundness. (Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan 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.

The following proposed modifications are requested to Draft Local Plan policy DS9 (Employment Sites to be Allocated) to ensure that the policy is justified, effective and consistent with the NPPF.

DS9 Employment Sites to be Allocated

To meet the employment land needs of the District, an additional 19.7 hectares of employment land for B class uses is allocated at the following strategic sites, as identified on the Policies Map:

Ref	Site	Size	Uses
E1	Land North of Gallows Hill, Warwick	8 hectares	B1 and B2
E2	Land at Thickthorn, Kenilworth	8 hectares	B1 and B2
E3	Opus 40, Birmingham Road, Warwick*	3.7 hectares	B1
TBC	Site(s) to be confirmed	8 hectares	B1 and B2

	Total	19.7 hectares	
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* This is a previous employment commitment for which planning permission has expired

An allowance of 6.5 hectares of employment land to meet local needs will be accommodated at the allocated sub-regional employment site (see policy DS16)

9. If your representation is seeking a modification, 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:

One of the strategic site allocations in the Draft Local Plan (Ref. H01 - Land West of Europa Way) includes land principally within the ownership of the Europa Way Consortium. It is our considered view that the proposed employment allocation is detrimental to the effective delivery of a sustainable urban extension at this location.

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

Local Plan or SA: Local Plan

Paragraph Number:

Policy Number: DS10 Broad Location of Allocated Housing Sites

Policies Map Number:

5. Do you consider the Local Plan is:

5.1 Legally Compliant? Yes

5.2 Complies with the Duty to Co-operate? Yes

5.3 Sound? Yes

6. If you answered no to question 5.3, do you consider the Local Plan and/or SA unsound because it is not: (please tick that apply):

Positively Prepared:

Justified:

Effective:

Consistent with National Policy:

7. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

The Consortium broadly supports the distribution of housing growth set out in policy DS10 'Broad Location of Allocated Housing Sites', and in particular the Council's decision to direct most new development to sites within, or to the edge, of the main towns within the district namely Leamington, Warwick, Whitnash and Kenilworth.

8. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at 7. above where this relates to soundness. (Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan 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.

9. If your representation is seeking a modification, 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:

The Consortium owns the largest share of land which forms part of the proposed strategic site allocation known as Land West of Europa Way, Warwick, site ref H01 under Policy DS11 – Allocated Housing Sites.

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

Local Plan or SA: Local Plan

Paragraph Number:

Policy Number: DS11 Allocated Housing Sites

Policies Map Number:

5. Do you consider the Local Plan is:

5.1 Legally Compliant? Yes

5.2 Complies with the Duty to Co-operate? Yes

5.3 Sound? Yes

6. If you answered no to question 5.3, do you consider the Local Plan and/or SA unsound because it is not: (please tick that apply):

Positively Prepared:

Justified:

Effective:

Consistent with National Policy:

7. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

The Europa Way Consortium fully supports the allocation of Land West of Europa Way for housing under policy DS11 / Ref H01. The Consortium also broadly supports the allocation of associated infrastructure and uses on the same site; though for reasons explained in response to policies DS9, DS12, DS14 and DS15 we either object to, or has concerns over, some of the infrastructure and uses proposed.

Land West of Europa Way is uniquely placed to offer the most sustainable location for accommodating a significant share of the District's housing needs up to 2029. Not only is land at this location within easy walking distance of existing schools, shops, and employment opportunities but also lies adjacent to cycle paths, bus-based public transport corridors and is within easy access of both Leamington and Warwick railway stations, and town centres.

The site's suitability as a sustainable location for development has been recognised in the Sustainability Appraisal which has been prepared in support of the Local Plan. In fact before its inclusion in the submission Draft Local Plan, Land West of Europa Way was proposed as a strategic site allocation in the Preferred Option Core Strategy (June 2009), the Preferred Options Local Plan (June 2012) and the Revised Development Strategy (June 2013).

The Consortium can also confirm that not only does the site offer a suitable location for development now, there being no overriding constraints, but it is also viable and achievable, with a realistic prospect that housing will be delivered on site within five years. The Consortium did submit an outline planning application for up to 800 dwellings on its landholding (App. # W/13/1016) only to withdraw it on the 24 September at the request of the Chief Executive to give the District Council more time to progress detailed aspects of the Local Plan. Now that the submission Draft Local Plan is out for public consultation, a revised planning application has been prepared and will be submitted in July 2014.

Number of Dwellings

By specifying a specific number of dwellings to be allocated on individual sites, the Consortium considers policy DS11 to be inflexible and unnecessarily restrictive. Separately we have argued in response to Policy DS6 that the proposed level of housing growth in the District should be clearly identified as a minimum delivery requirement, net of demolitions, and not an absolute target i.e. a housing requirement that may be exceeded where justified by evidence of need, demand, affordability and sustainability considerations to enable the full objectively assessed needs of the District to be met. For this reason, and the fact that the Council will only have a rough idea of the net developable area of each site, the Consortium believes that Policy DS11 should be re-worded so that the Number of Houses identified for each site are approximate housing capacities which can be exceeded where it can be justified and also demonstrated that doing so would not prejudice delivery of high quality and sustainable development which accords with other policies in the Plan.

Urban Brownfield Sites

Policy DS11 makes a distinction between brownfield and greenfield Allocated Housing Sites. For example the existing Kenilworth School Site is rightly identified as a brownfield housing site. However an equivalent allocation for housing on part of the existing Myton School campus in Warwick has not been categorised as brownfield development. Instead it would appear that housing which could be delivered on this site has been included in the total provision figure of 1,190 dwellings for Land West of Europa Way. This inconsistency should be addressed through modifications to the policy and the Policies Map.

Number of Dwellings – Site Ref H01

Under Policy DS11 the District Council has stated that Land West of Europa Way has the capacity to deliver 1,190 plus associated infrastructure and uses. The Consortium contends that a major share of the proposed 8 hectares of employment land should be re-allocated for residential and, as a consequence, could deliver approximately 1,235 dwellings; this provision figure is exclusive of any houses which might be delivered separately on the Myton School urban brownfield site.

Infrastructure Requirements and Other Uses

In principle, the Europa Way Consortium, supports the decision to propose the expansion of existing secondary schools in the area rather than build a standalone new school to meet demands arising from proposed new residential development to the south of Leamington, Warwick, and Whitnash. Nonetheless for reasons set in our separate response to Policy DS12 – Allocation of Land for Education, we do have some concerns over the lack of evidence to support this preferred strategy and whether or not an expanded 'Education Campus' focused on Myton School is deliverable.

Proposals Map

Separately the Consortium has submitted written representations seeking modifications to the Policies Map for Leamington, Warwick and Whitnash with regard to the proposed boundary of the 'Education Campus' (PolicyED1)

8. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at 7. above where this relates to soundness. (Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan 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.

The following proposed modifications are requested to Draft Local Plan Policy DS9 (Allocated Housing Sites) to ensure that the policy is justified, effective and consistent with the NPPF:

- In the supporting table to the policy the column heading 'Number of Dwellings' should be amended to read '**Approximate** Number of Dwellings'
- The Approximate Number of Dwellings against site allocation H01 – Land West of Europa Way should be increased from 1,190 to 1,235
- Reference to 8ha of employment land should be deleted against site allocation H01 – Land West of Europa Way.
- The list of 'Urban Brownfield Sites' should be amended to include Myton School; unless all site reference number are amended to run in order under the policy, the 'new' site reference number should be H39.

9. If your representation is seeking a modification, 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:

The Consortium owns the largest share of land which forms part of the proposed strategic site allocation known as Land West of Europa Way, Warwick, site ref H01 under Policy DS11 – Allocated Housing Sites.

Publication Draft Local Plan

Written representation on behalf of the Europa Way Consortium

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

Local Plan or SA: Local Plan

Paragraph Number:

Policy Number: DS12 Allocated of Land for Education

Policies Map Number:

5. Do you consider the Local Plan is:

5.1 Legally Compliant? Yes

5.2 Complies with the Duty to Co-operate? Yes

5.3 Sound? No

6. If you answered no to question 5.3, do you consider the Local Plan and/or SA unsound because it is not: (please tick that apply):

Positively Prepared:

Justified: ✓

Effective: ✓

Consistent with National Policy: ✓

7. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

An expanded Education Campus, focused on Myton School, forms part of the proposed secondary education solution to meet additional demands arising from planned housing development in the south Warwick/Leamington/Whitnash area. As delivery of the expanded Education Campus requires a major area of land within the Europa Way Consortium's ownership being made available for educational uses, we are actively working with WDC and Myton School to help see the proposals are realised.

Whilst constructive discussions are taking place with WDC and Myton School, we are nonetheless concerned over a lack of information regarding: how the proposed education solution has been chosen over alternatives; how the preferred option will be funded; and ultimately how it will be delivered. The Consortium considers that such information should have been made available to the public as part of the Publication Draft Local Plan's evidence base.

Under a separate written representation we have proposed amendments to the Policies Map No.2 – Leamington, Warwick and Whitnash, and specifically the boundary for the proposed new Education Campus.

addition to the additional site area required for the additional capacity to meet the needs of the development.

- 3 There is a fundamental issue about whether a requirement to re-provide land for Myton School to make up for land it is disposing of is reasonable or complies with the legal requirements of CIL under Regulation 122.
- 4 We are particularly concerned, as most of the land Myton School is seeking to acquire is within our ownership. We are not confident that arrangements can be put in place that will ensure we are adequately compensated for provision of land that will meet needs far beyond those arising from the development on our own site. A particular concern is that there is no policy support for such an arrangement.
- 5 There is no evidence that the necessary finance will be available, particularly for the Myton re-provision. It also appears that the Myton School project will require forward funding due to cash flow considerations.
- 6 The scale of additional demand expected could support a new secondary school. The overall cost of the proposed solution is likely to be higher than if a new school were to be built, and it is unclear how this additional cost will be apportioned.
- 7 It appears that the process that has led to the proposed solution has been driven by Myton School. There is no evidence that other options have been properly considered. It is the County Council's role to ensure a sufficiency of school places.
- 8 It appears the County is willing to support the proposed solution, but unclear to us on what basis this decision has been taken – or by who. It is also unclear whether the County considers adequate funding will be available, or whether the County will provide the necessary forward funding.
- 9 There are other factors that also need to be considered. At present there is spare capacity at Campion School. Consequently, no additional provision is likely to be needed for several years – the schools have overlapping catchment areas.
- 10 In addition, Campion is a small school whilst Myton is already a large school. Even when the existing spare places are filled at Campion there will be a substantial difference in the size of the schools. Consequently, to help ensure the viability of Campion School it would be sensible to add additional capacity there before adding capacity at Myton School. It can also be noted that as of January 2014 there were only two state schools in England with more than 2400 secondary pupils on roll – the proposed provision at Myton – and none with as many as 2850, which is the total proposed at Myton including primary.
- 11 All of the above underlines the need for a thorough assessment of other options, before a final decision can be properly made.

In conclusion, while the Consortium will continue to work with officers at WDC and the Governing Body of Myton School to help deliver a new Education Campus focused on Myton School, we consider it essential that the emerging Local Plan allows for the possibility of an alternative solution for secondary education provision, otherwise development could be frustrated. We also consider it is vital that further thought is given to:

- a) A thorough examination of alternative options including public consultation and identification of costs and financial viability;
- b) Policy support to ensure the costs of whatever option is eventually decided on are equitably shared by all development.

Under a separate written representation we have proposed amendments to the Policies Map No.2 – Leamington, Warwick and Whitnash, and specifically the boundary for the proposed new Education Campus.

8. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at 7. above where this relates to soundness. (Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan 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.

9. If your representation is seeking a modification, 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:

The Consortium owns the largest share of land which forms part of the proposed strategic site allocation known as Land West of Europa Way, Warwick, site ref H01 under Policy DS11 – Allocated Housing Sites, and also the largest share of land which has been allocated to help deliver a new Education Campus focused on Myton School under Policy DS12.

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

Local Plan or SA: Local Plan

Paragraph Number:

Policy Number: Policy DS14 Allocation of Land for a Community Hub

Policies Map Number:

5. Do you consider the Local Plan is:

5.1 Legally Compliant? Yes

5.2 Complies with the Duty to Co-operate? Yes

5.3 Sound? No

6. If you answered no to question 5.3, do you consider the Local Plan and/or SA unsound because it is not: (please tick that apply):

Positively Prepared:

Justified: ✓

Effective: ✓

Consistent with National Policy: ✓

7. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Community sports complex

Under Policy D14 the Plan allocates land for a 'Community Hub' which would include a "community sports complex". Under paragraph 2.63 we are informed that the sports complex "...could include a small stadium with complementary uses, should such a scheme be viable". We are also aware from the officer's report on the Submission Draft Local Plan to the Full Council & Executive Committees (23 April 2014) that the stadium proposals are associated with proposals for the relocation of Leamington FC from their current site located on Harbury Lane approximately 2km beyond the urban edge of Whitnash; a site which the District Council has separately identified as one of their preferred sites for meeting Gypsy and Traveller needs. In the same committee report officers' also suggest that other 'complementary' uses include land to assist with parking problems currently experienced at Warwick Technology Park.

The Consortium is not, however, aware of any detailed proposals for, or evidence base to support, a new community sports complex on Land West of Europa Way. The site for the sports complex is not only in a location which we feel would raise amenity concerns for existing and future residents, but also on land which is not only widely recognised as being needed to help deliver the proposed new Education Campus (see proposed modifications to Policies Map No.2). In fact it is in a location which is at odds with other policies in the Draft Local Plan in particular Policy CT1 which encourages such facilities to be located in town centre locations.

Finally with specific regard to the matter of viability we are unclear how such a facility would be funded as this item of infrastructure is not included in the Draft IDP. How big is a 'small stadium'?

For the aforementioned reasons we do not support the Council's proposals for a new community sports complex on Land West of Europa Way.

Community Hub

In the absence of any proven need for or lack of alternative sites for a new 'sports complex' the Consortium does not consider it necessary allocate a specified area of land for a Community Hub on the 'Land at Myton' site; no similar site allocation is proposed on the other strategic site allocations. Furthermore, as noted above, the land which has been identified for the Community Hub is where land is needed to help secure a new Education Campus.

It is, however, recognised that if land is to be made available to help deliver the proposed Education Campus in the same location as the proposed Hub, then alternative space needs to be found for other social infrastructure e.g. neighbourhood retail, health facility and community meeting hall. Such facilities can readily be accommodated on the site and there exists the opportunity for some of these community facilities being provided as part of a dual-use arrangement on the proposed Education Campus. It is our considered view that providing new facilities this way would not only truly anchor Myton School at the heart of the expanded Myton community but, as importantly, it would also make efficient use of land and provide cost savings in terms of construction and long term maintenance of community infrastructure. Proposal which also accords with Draft Local Plan Policy HS5.

8. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at 7. above where this relates to soundness. (Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan 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.

Policy DS14 should be deleted from the Local Plan.

9. If your representation is seeking a modification, 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:

The Consortium owns the largest share of land which forms part of the proposed strategic site allocation known as Land West of Europa Way, Warwick, site ref H01 under Policy DS11 – Allocated Housing Sites.

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

Local Plan or SA: Local Plan

Paragraph Number:

Policy Number: Policy DS15 Comprehensive Development of Strategic Sites

Policies Map Number:

5. Do you consider the Local Plan is:

5.1 Legally Compliant? Yes

5.2 Complies with the Duty to Co-operate? Yes

5.3 Sound? No

6. If you answered no to question 5.3, do you consider the Local Plan and/or SA unsound because it is not: (please tick that apply):

Positively Prepared:

Justified: ✓

Effective: ✓

Consistent with National Policy:

7. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

In separate written representations to policies DS9, DS11, DS12, and DS14 the Consortium has called for modifications to these policies, specifically, changes to land use proposals affecting the site allocation H01 – Land West of Europa. As a consequence, we do not support DS15 as it is currently written, and request that the policy is duly amended.

8. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at 7. above where this relates to soundness. (Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan 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.

Policy DS15 Comprehensive Development of Strategic Sites should be amended so that reference to the Policy DS14 (Community Hub and Health Facilities) is deleted as they currently relate to the site referred to in the policy as 'Land at Myton/ West Europa Way.

9. If your representation is seeking a modification, 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:

The Consortium owns the largest share of land which forms part of the proposed strategic site allocation known as Land West of Europa Way, Warwick, site ref H01 under Policy DS11 – Allocated Housing Sites.

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

Local Plan or SA: Local Plan

Paragraph Number:

Policy Number: H2 Affordable Housing

Policies Map Number:

5. Do you consider the Local Plan is:

5.1 Legally Compliant? Yes

5.2 Complies with the Duty to Co-operate? Yes

5.3 Sound? No

6. If you answered no to question 5.3, do you consider the Local Plan and/or SA unsound because it is not: (please tick that apply):

Positively Prepared:

Justified:

Effective:

Consistent with National Policy: ✓

7. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

We broadly support the 40% affordable housing target to meet local needs. However the policy wording currently states that residential development “will not be permitted unless provision is made for a minimum of 40% affordable housing”. We are concerned that this may not allow sufficient flexibility to take into account viability or site specific factors. We note that the generic Viability Assessment shows a range of between 0 and 50% affordable housing being deliverable depending on the scenario tested. Not in all cases will 40% affordable housing be viable.

Whilst we support the policy emphasis on maximising affordable housing delivery we would recommend further clarification that viability will be taken into account in determining the overall level of affordable housing. Such a change would ensure that the plan is consistent with the requirements of paragraph 173 of the NPPF.

Viability is referred to in the second paragraph; however this appears to relate solely to the form of provision, its location on site and the means of delivery.

We note that sub point II sets out that the sizes, types and tenures of the affordable housing will be determined on the basis of the local need identified in the SHMA and by other local needs information where appropriate. Whilst we acknowledge that the SHMA is an important source of housing needs information, applying this policy rigidly may not necessarily assist in meeting local housing needs. The SHMA is only a ‘snapshot’ in time and will not always reflect the dynamic nature of the housing market. Relative to larger developments such as urban extensions that may be delivered over a period of more than five years there needs to be flexibility to allow for changing market conditions as the proposals are implemented.

We would emphasise the need for flexibility to ensure that a wider range of factors can also be taken into account in determining the overall housing mix. These may include site specific factors relating to the existing local area or site specific viability factors. Site specific factors

may include other planning obligations that are sought such as education or highways / transportation. Such infrastructure contributions may be very substantial relative to large scale urban extensions. Again these warrant greater flexibility. We would recommend changing the words 'determined on' in the first line to 'guided by' to ensure sufficient flexibility is retained.

Policy H2 importantly appears in the Local Plan under the heading 'inclusive and mixed communities'. There is a wide range of nationally accredited research and good practice indicating that great care must be taken in planning for and developing large scale urban extensions concerning both the overall proportion of affordable housing and the proportion of this total that is of social rented tenures.

There is a very real danger that pockets of relative social exclusion may result and indeed that the mix prescribed for the urban extension may prejudice its compatibility and full social integration into the main core community to which it relates.

Such dangers are obviously exacerbated in circumstances in which relatively high percentages of affordable housing and, within this, relatively high proportions of social rented tenures are being inflexibly required, with no scope for reasonable negotiation.

Relevant publications include Challenging Perceptions: Case Studies of Dispersed and Mixed Tenure New Build Housing Development by C Lesley Andrews and Wendy Reardon-Smith for Sovereign Housing Association and the Housing Corporation; Affordable Housing in a Sustainable Community at Cambridge East by Professor Michael Carley; Balanced and Mixed Communities: A Good Practice Guide by Cambridgeshire Horizons; Building for Communities and Developing Communities, both by David Page; and Creating and Sustaining Mixed Income Communities: A Good Practice Guide by the Chartered Institute of Housing, the Joseph Rowntree Foundation, the Housing Corporation and the TCPA.

At the very least this material concern further justifies creating greater flexibility in the wording of the overarching policy in order to ensure that the fundamental objective upon which it is predicated is not prejudiced.

8. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at 7. above where this relates to soundness. (Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan 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.

The following proposed minor modifications are requested to Policy H2 Affordable Housing to consistent requirements of the NPPF as set under paragraph 173.

H2 Affordable Housing

Residential development on the following sites will not be permitted unless provision is made for **at least** a minimum of 40% affordable housing to meet local needs **where viable**:

a) within the urban areas, sites of 10 or more dwellings, or 0.3 hectares or more in area irrespective of the number of dwellings; and

b) within the rural areas, sites of 5 or more dwellings, or 0.17 hectares in area irrespective of the number of dwellings

The form of provision, its location on the site and the means of delivery of the affordable element of the proposal will be subject to negotiation at the time of a planning application. ~~The viability of the development will be a consideration in such negotiations.~~ Planning permission will not be granted until satisfactory arrangements have been made to secure affordable housing as determined by the following principles.....[no proposed modifications to the wording of the remainder of the Policy]

9. If your representation is seeking a modification, 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:

One of the strategic site allocations in the Draft Local Plan (Ref. H01 - Land West of Europa Way) includes land principally within the ownership of the Europa Way Consortium. As such in bringing our site to the market we will play an important role in helping deliver much needed affordable housing, but wish to see this achieved in a way that is best to foster successful social integration in new development and as a result in way that is best for existing and future residents for Warwick.

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

Local Plan or SA: Local Plan

Paragraph Number:

Policy Number: CC3 Building Standards Requirements

Policies Map Number:

5. Do you consider the Local Plan is:

5.1 Legally Compliant? NA

5.2 Complies with the Duty to Co-operate? NA

5.3 Sound? No

6. If you answered no to question 5.3, do you consider the Local Plan and/or SA unsound because it is not: (please tick that apply):

Positively Prepared:

Justified:

Effective:

Consistent with National Policy:

7. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

The key issue is whether the Council can justify its request for Code Level 4 from plan adoption and Code Level 5 from 2016, particularly in terms of the potential impacts on development viability. DCLG's latest figures suggest an additional £1.4-2.4k per dwelling to achieve Code Level 4 and £14.1k-16.8k per dwelling to achieve Code Level 5 (Housing Standards Review, Potential cost impacts – Summary, EC Harris, June 2013). In setting this requirement the Council therefore needs to demonstrate that it is viable also considering the cumulative effect alongside wider policies in the plan.

8. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at 7. above where this relates to soundness. (Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan 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.

The Council needs to set out its justification for requiring Code for Sustainable Homes Levels 4 and 5 in terms of the impacts on site viability. If these requirements are unlikely to be viable, then the policy will need to be amended.

9. If your representation is seeking a modification, 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 which part of the Local Plan or Sustainability Appraisal (SA) does this representation relate?

Local Plan or SA: Local Plan (Policies Map)

Paragraph Number:

Policy Number:

Policies Map Number: 2. Leamington, Warwick and Whitnash

5. Do you consider the Local Plan is:

5.1 Legally Compliant? Yes

5.2 Complies with the Duty to Co-operate? Yes

5.3 Sound? No

6. If you answered no to question 5.3, do you consider the Local Plan and/or SA unsound because it is not: (please tick that apply):

Positively Prepared:

Justified: ✓

Effective: ✓

Consistent with National Policy: ✓

7. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

In separate written representations to policies DS9, DS11, DS12, and DS14 the Consortium has called for modifications to these policies, specifically, changes to land use proposals affecting the site allocation H01 – Land West of Europa. As a consequence we believe that modifications are needed to Policies Map No. 2. Leamington, Warwick and Whitnash. These modifications are explained below and are shown on the accompanying amended Policies Map.

8. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at 7. above where this relates to soundness. (Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan 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.

The following proposed modifications are requested to Policies Map No. 2. Leamington, Warwick and Whitnash, these changes will ensure that the map is consistent with modified policies in the plan and so the Local Plan is justified, effective and consistent with the NPPF.

- **Employment allocation (Policy DS9)**

Policy boundary deleted

- **Amended Site Allocation Boundary (Policy DS11 – Sire Ref H01)**

The site allocation boundary for site H01 is proposed to be amended so that the a clear distinction can be drawn with the allocated brownfield housing site at the front of Myton School

- **Amended boundary for proposed Education campus focused on Myton School (Policy DS12)**

The Consortium has been informed by WDC and Myton School that 9.18 hectares (22.3 acres) of land is needed south of the existing school boundary to deliver the proposed new Education Campus. To help facilitate this, the Consortium and WCC-Property (who own the adjacent site) have agreed to safeguard the following: 2.06 hectares (5.4 acres) on County Council held land with the balance 7.12ha (17.3acres) being safeguarded by the Consortium. The proposed amendments to the policy boundary for DS12 reflect this and have been agreed with the Governing Body at Myton School. The amendments also reflect the fact that the existing policy boundary was arbitrarily drawn by WDC and does not align with masterplans which are well progressed by both landowners for their respective landholdings.

- **Community Hub (Policy DS14)**

Policy boundary deleted

9. If your representation is seeking a modification, 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:

One of the strategic site allocations in the Draft Local Plan (Ref. H01 - Land West of Europa Way) includes land principally within the ownership of the Europa Way Consortium.

END