

16 May 2018
L 180511 RML Kenilworth Neighbourhood Plan reps



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Dear Sirs

Kenilworth Neighbourhood Plan 2017-2029 Submission Plan Consultation (May 2018)

Savills (UK) Ltd is instructed by Gleeson Developments Ltd (Gleeson) to submit representations to the Kenilworth Neighbourhood Plan ('the Plan'). Gleeson controls land at Southcrest Farm (as shown on the accompanying plan), and has been actively engaged with the Neighbourhood Plan process. Please note that representations have been previously submitted to the pre-submission plan in June 2017. We note that since the pre-submission consultation, the Warwick District Local Plan 2011-2029 has since been adopted.

This correspondence offers a view on whether the Plan meets the Basic Conditions set out in regulations, and suggests amendment or further comment where appropriate. The following comments are set out in a positive and constructive manner intended to aid the clarity and implementation of the Plan.

Neighbourhood Plan Process

Gleeson has reviewed the process undertaken by the Town Council in preparing the Plan as set out by The Neighbourhood Planning (General) Regulations 2012. The Town Council is the 'qualifying body' and the Neighbourhood Plan area is defined by the Parish boundary and administrative area of Kenilworth Town Council.

Paragraph 15 of Part 5 of the regulations sets out the requirement for the submission of a plan to the local planning authority. Gleeson considers that the Town Council, as qualifying body, has met the requirements including submission of:

- a map or statement which identifies the area to which the proposed neighbourhood plan relates;
- a consultation statement;
- the proposed neighbourhood development plan; and
- a statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act (i.e. the '*Basic Conditions Statement*').

It is clear that the Town Council has followed the due process required in the preparation and submission of the Neighbourhood Plan.

Basic Conditions

These representations seek to ensure that the proposed Kenilworth Neighbourhood Plan, in meeting national and local policy guidance, satisfies the basic conditions as set out in paragraph 8 (2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended).



Basic Condition (a) Having regard to the National Planning Policies

As listed in paragraph 070 of the NPPG, paragraph 16 of the National Planning Policy Framework (NPPF) requires that Neighbourhood Plans support the strategic development needs of Local Plans, including policies for housing and economic development. Paragraph 184 of the NPPF states that Neighbourhood Plans should not promote less development than set out in the Local Plan.

Gleeson welcomes the continued support for the land to the East of Kenilworth (Policy KP4) by the Town Council as one which can contribute to meeting the housing demands of Kenilworth. The Neighbourhood Plan sets out four sites for new housing: East of Kenilworth (Policy KP4), Kenilworth School Sites (Policy KP5) and Land East of Warwick Road (KP6) in line with District Council's recently adopted Local Plan to provide circa 2,000 new homes.

Basic Condition (b) and (c): Having regard to the Listed Buildings and Conservation Area

These basic conditions require that policies in the Neighbourhood Plan do not weaken the statutory protections for listed buildings and conservation areas.

One of the objectives set out in Chapter 5 is identified as follows: *Heritage – to protect, appreciate and exploit the historic aspects of the town*. Neighbourhood Plan Map 2.3 locates the historic features within Kenilworth including listed buildings, conservation areas and ancient monuments. Policy KP15 seeks to conserve and enhance both designated and non-designated heritage assets. We consider that basic conditions (b) and (c) are satisfied.

Basic Condition (d): Contributing to Sustainable Development

Paragraph 14 of the NPPF sets out a powerful presumption in favour of sustainable development. Neighbourhood Plans must therefore demonstrate that they contribute to improvements in environmental, economic and social conditions. Paragraph 16 of the NPPF sets out the implications of this presumption on the production of Neighbourhood Plans and how they can address these.

Warwick District Council's evidence papers have consistently identified Kenilworth as a sustainable settlement within the District. It has a good range of services and facilities, including a public transport network. The sites set out in the Neighbourhood Plan all represent sustainable options for development.

The Neighbourhood Plan is not accompanied by a sustainability appraisal, and as stated in the NPPG this is not a legal requirement. It is noted that the Town Council did not consider that a formal Sustainability Appraisal would be necessary to demonstrate that the Plan will contribute to the achievement of sustainable development. Instead, Table B of the Basic Conditions Statement identifies the potential social, economic, and environmental effects of the plan's policies. This is supplemented by a Screening Opinion issued by the District Council concluding there would be no need for the Plan to be accompanied by a Strategic Environmental Assessment under the EU Directives 42/2001 and the 2004 Environmental Assessment of Plans and Programmes Regulations.

Basic Condition (e): Conformity with Strategic Policies of the Development Plan

In relation to general conformity with the strategic policies of the Development Plan, the Neighbourhood Plan was prepared in anticipation of the now-adopted Warwick District Local Plan 2011-2029.

The adopted Local Plan contains seven strategic policies (DS1-DS4, PC0, H0, SCO). Chapter 5 of the Basic Conditions Statement identifies an assessment of the general conformity with the Neighbourhood Plan with the strategic policies of the Local Plan. In general, the policies in the Plan uphold the general principles of the strategic policies of the Local Plan. As set out above Warwick District Council considers Kenilworth as a

sustainable settlement within the District, identifying it as a 'main urban area' along with Warwick, Leamington Spa, Whitnash and the southern edge of Coventry in its Local Plan. The Local Plan allocates 1593 new homes at greenfield sites in Kenilworth, alongside residential development of two brownfield school sites, totalling circa 2000 new homes. Gleeson is supportive of the assessment contained within Chapter 5 of the Basic Conditions Statement.

Basic Condition (f): Conformity with EU Obligations

As required by paragraph 078 of the NPPG, the Neighbourhood Plan should consider the effects on the environment of the allocated sites and the proposed policies. Chapter 6 of the Basic Conditions Statement addresses compatibility with EU legislation and obligations, noting that the District Council provided a screening opinion that did not require a Strategic Environmental Assessment (in accordance with Regulation 9 of the Environmental Assessments of Plans and Programmes Regulations 2004) in August 2017. This Screening Opinion concluded that:

"...it is considered unlikely there will be any significant environmental effects arising from the Kenilworth Neighbourhood Plan that were not covered/ addressed in the Sustainability Appraisal(s) of the Local Plan. As such, it is considered that the Kenilworth Neighbourhood Development Plan does not require a full SEA to be undertaken." (paragraph 4, p11)

The Screening Opinion also considered the Habitats Directive, and compliance with the Human Rights Act. Gleeson supports the assessment that Basic Condition (f) has been satisfied.

Neighbourhood Plan Policies

Comment to Policy KP4 is set out below. For clarity, the responses fall in line with the headings used in the plan itself. Comment is only provided on those policies considered most relevant to Gleeson's interest at land east of Kenilworth.

Policy KP4: Land east of Kenilworth

Gleeson is generally satisfied with the approach prescribed in Policy KP4 with the Neighbourhood Plan allocating Land to the East of Kenilworth (comprising Thickthorn, Glasshouse and Southcrest Farm) for development including housing, education, local centre and business uses in accordance with Local Plan policies.

In respect of the provision of a new primary school within the northern parcel, we acknowledge that Criterion (a) has been modified to better reflect the provisions of Policy DS12 of the Local Plan and the appropriateness of any such location for primary school use. This policy re-wording is supported.

It is recognised that Policy H15 of the adopted Local Plan encourages the identification of sites for self / custom build through neighbourhood plans. In relation to criterion (e) of Policy KP4, Gleeson maintains its earlier objection to the 5% provision for self-build/ custom-build plots of all open market homes. The required 5% is an arbitrary percentage which may not be appropriate, and may impact the delivery of housing across the site. The percentage of land take should be proportionate to Warwick District Council's Self Build Register of Interest. Local Plan policy seeks for sites to come forward and be delivered comprehensively, however this approach may result in vacant sites if there is little or no demand for such units. As such, this criterion should be revised and reconsidered to introduce the necessary flexibility allowing for provision of self-build/custom-build only where demand for such plots can be demonstrated. Suggested wording is set out as follows:

(e) The provision of 5% of the total number of the open market homes as serviced plots for self-build and custom build, where sufficient demand can be demonstrated as per Warwick District Council's Self Build Register of Interest.



We note the addition of a new requirement at criterion (g). This criterion introduces a requirement that residential roads within the development are designed to a 20mph standard and give priority to pedestrians and cyclists. Gleeson generally support this policy.

The modification to criterion (i) is noted, which now incorporates a 'soft edge' to Crewe Lane, retaining the belt of trees and a similar frontage to Glasshouse Lane. This revision is supported.

As a general point, the Neighbourhood Plan identifies at paragraph 5.20 delivery of new development of 1,400 new homes and 8ha business land to the East of Kenilworth. This wording should be revised to better reflect that of the adopted Local Plan, which simply states that such a figure is an estimate. Moreover, to ensure the flexibility of housing delivery in the plan area during the plan period, this estimated figure of 1,400 new homes should be viewed as a minimum quantum of development rather than as a cap.

Similarly, whilst it is acknowledged at paragraph 5.21 that the Neighbourhood Plan does not seek to allocate land, specific reference should be made to Policies DS11 and DS12 of the adopted Local Plan in respect of the site's development. Policy DS12 of the adopted Local Plan is clear that "*...in the case of Southcrest Farm the whole area of the site is unlikely to be required for educational purposes. Any land within this site that is surplus to the educational requirement is therefore allocated for housing (see Policy DS11)*". Inclusion of the above policy references would be a useful signpost in ensuring the Neighbourhood Plan's consistency with the Local Plan, and in providing the clarity required in delivering appropriate development at the site which may include residential uses where surplus to educational requirements.

Summary

The above comments are intended to be provided in a constructive manner to help support the preparation and examination of the Neighbourhood Plan. The Town Council is to be congratulated for carrying out extensive consultation and drafting the Neighbourhood Plan. We trust that this submission is informative at this stage of the plan preparation process. We would be grateful if you could confirm safe receipt of these comments, and if you could keep us informed of the progress of the plan.

If you wish to discuss any of the points raised please contact Reece Lemon at the above address.

Yours sincerely

A handwritten signature in black ink that reads "Savills". The signature is written in a cursive, flowing style.

Savills

Enc.

- Site Location Plan