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# Bishop's Tachbrook Neighbourhood Plan 2020

Representations to Formal Public Consultation

By Sharba Homes Ltd

August 2020

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## **1.0 INTRODUCTION**

1.1 These representations are submitted by Sharba Homes Ltd who represent the landowners of the Site known as 'Land east of Oakley Wood Road', Bishop's Tachbrook. These representations are submitted in response to the formal public consultation by the District Council in respect of the Regulation 16 Bishop's Tachbrook Neighbourhood Plan [BTNP] May-August 2020.

1.2 These representations relate to the proposed policies that affect delivery of housing in Bishop's Tachbrook.

1.3 Notwithstanding our Client's specific land interests, these representations have been prepared in recognition of prevailing planning policy including:

- National Planning Policy Framework [NPPF] (Feb 2019);
- National Planning Practice Guidance [NPPG] (Oct 2019);
- Neighbourhood Planning (General) Regulations 2012;
- Localism Act 2011; and
- Warwick District Council [WDC] Local Plan adopted September 2017
- Warwick District Council [WDC] Local Development Scheme March 2020
- MHCLG White Paper "Planning for the Future" August 2020

## 2.0 GENERAL CONFORMITY OF THE DRAFT NEIGHBOURHOOD PLAN (MAY 2020) WITH NATIONAL AND LOCAL PLANNING POLICY

- 2.1 In general terms, the NPPF advocates a strong 'presumption in favour of sustainable development' in all planning related matters and places a responsibility on Local Authorities to encourage and support sustainable growth and to plan positively for new development.
- 2.2 Importantly, paragraph 1 of the NPPF states that it 'It provides a framework within which locally-prepared plans for housing and other development can be produced'
- 2.3 Paragraph 11 states that 'Plans and decisions should apply a presumption in favour of sustainable development. For **plan-making** this means that: a) **plans should positively seek opportunities to meet the development needs of their area**, and **be sufficiently flexible to adapt to rapid change**'.
- 2.4 Paragraph 13 of the NPPF states 'Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.'
- 2.5 Paragraph 29 states that "Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies" and "Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area."
- 2.6 In this respect, Neighbourhood Plans (like Local Plans) must be found on a robust and credible evidence base, and the BTNP must therefore be in general conformity with the WDC Local Plan, the WDC LDS, as well as the principles set out in the NPPF, particularly relating to sustainability.
- 2.7 As a starting point, only a draft Neighbourhood Plan or Order that meets each of a set of basic conditions can be put to a referendum and be made. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions (as relevant to this submission) are:
- Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or Neighbourhood Plan);

- The making of the order (or Neighbourhood Plan) contributes to the achievement of sustainable development;
- The making of the order (or Neighbourhood Plan) is in general conformity with the strategic policies contained in the Development Plan for the area of the authority (or any part of that area).

**2.8** The NPPG further advises that "**Neighbourhood plans should consider** providing indicative delivery timetables, and **allocating reserve sites to ensure that emerging evidence of housing need is addressed**. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new local plan".

**NPPG Paragraph: 009 Reference ID: 41-009-20190509**

2.9 In order to demonstrate how the basic conditions have been met, the NPPG recommends that a draft 'basic conditions statement' be included in the Plan so that it is clear in the way that these conditions have been met. A basic conditions statement has been prepared and accompanies the draft Plan. However, for the reasons which we outline below, we do not consider that the basic conditions have been met.

2.10 On this basis, we therefore propose to carry out a detailed review of the BTNP and then summarise its compliance with the relevant legislation and policies.

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### 3.0 REVIEW OF DRAFT NEIGHBOURHOOD PLAN AGAINST RELEVANT POLICIES

#### Executive Summary

- 3.1 The submission draft BTNP is relatively vague on the period it covers stating only that it covers the period from when the date the plan is made until 31<sup>st</sup> March 2029. Whilst the end date is factually correct in line with the Warwick District New Local Plan, no start date for the BTNP is specified. **Proposal: specify a start date**

#### Development of the Local Plan and Neighbourhood Plan

- 3.2 It is noted that the adopted Local Plan is subject to a review over the next 2 years in accordance with the NPPF requirements, adopted policies, and the LDS statement March 2020. The BTNP only addresses the current Local Plan without its strategic review that is required, and fails to address the necessary flexibility to accommodate the potential for increased household numbers that this may generate (NPPF para 11). This is exacerbated further by the results of the 2020 new standard method OAN assessment of annual housing need as well as the recently released ONS 2018 data for projected household formation on which it is to be based. The housing requirement is projected to increase substantially for the West Midlands (40%) and Warwick DC (45%) which includes this Neighbourhood Plan area and the relevant local market needs of the Coventry and Warwickshire Housing Market Area (HMA). As set out above, relevant policies (e.g NPPF para 11) require that the BTNHP should allow for sufficient flexibility to accommodate the Local Plan (in its entirety including the potential impact of its required review), and any other emerging changes such as the new 2020 standard method calculation of OAN housing requirement. It should not restrict development in a way that would conflict with those policies including the likely potential for an upward change in need, **and it is recommended that reserve sites are allocated in accordance with NPPF para 11 and NPPG para 009 in order to accommodate that required flexibility.**

#### Section 4.5 – Housing Allocations

- 3.3 **Paragraph 4.5** states “The BTNDP will, therefore, not look to identify further sites or change the growth village envelope. These should remain unchanged and be used to manage any proposed housing growth to 2029” which is in direct conflict with the policy

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requirements for flexibility described above. **This should be deleted or amended as set out above to meet basic conditions.**

3.4 **Paragraph 4.14** states "Bishop's Tachbrook lies within Natural England's National Character Area (NCA) NCA96: Dunsmore and Feldon. The Dunsmore and Feldon NCA is a predominantly rural, agricultural landscape, crossed by numerous small rivers and tributaries. The BTNDP will seek to protect this landscape, particularly those areas identified as highly sensitive to future housing development." The development boundary for Bishops Tachbrook is "shrunk-wrapped" to existing buildings, and beyond that is surrounded by a blanket landscape designation of "high sensitivity" as shown on Map 6. There are no designated or protected landscapes in the zone surrounding this settlement, and indeed the Local Plan housing allocation H49 sits within it. A blanket protection of this landscape "particularly those areas identified as highly sensitive..." is contrary to both the adopted Local Plan in existing allocations and the required flexibility of National Policy as set out above. This overly restrictive approach is akin to the draft policies contained in the previous 2016 version of the submitted BTNHP which the examiner found contrary to basic requirements and strategic policies by seeking to inappropriately restrict development with a policy akin to or even more restrictive than greenbelt in an area that is neither greenbelt nor even a designated landscape.

**In order to meet basic conditions, this paragraph should be deleted, or amended to include either reserve sites as set out above, or the potential to review the landscape to identify where the least impact would occur** in order that any required development would be located where best suited, rather than seek a blanket protection from 1) any future development in that undesignated landscape area and thus 2) any future expansion of the village that would be needed to meet changing housing needs in the parish, district and HMA.

**Neighbour Plans are required to plan for development, not plan to prevent it as this statement seeks to do.**

The previous Landscape Appraisal by the Council identified the area of the main housing allocation (H23) south of the village as being within "highly sensitive landscape", but the large and over-generalised landscape sub-area BT05 was re-appraised in more detail to identify that the specific area within it adjacent to the settlement was naturally less sensitive than elements further into open countryside, and again the same re-consideration was undertaken for BT03 to allocate H49. This precedent is exactly the approach that should be specified and reserved in the NHP to allow suitable re-assessment of other overly generalised broad landscape parcels e.g. BT06, that are not overridden by Heritage or Strategic Gap concerns e.g. parcels BT01 and BT02.

**Either assess and allocate reserve sites, or allow for an appropriate process to do so if and when likely changes in district housing needs Dictate.**

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3.5 Paragraph 5.2 – **BTNHP objectives.**

**Objective 1** repeats the blanket protection of landscape and should instead detail how it how it would be assessed, released and any impact managed in the context of any required development that arose from strategic policy requirements as set out above.

**Caveat as proposed adjustment to para 4.14 above**

**Objective 5** states that housing should meet assessed local needs, this should be expanded to clarify that this should not only include any identified parish needs, but also those of the Local plan and local HMA. **Expand to cover full “local” need of the District and HMA.**

### **Section 6 - Proposed Policies**

- 3.6 **BT1** – States that “New development should conserve or enhance the area’s landscape character.....”. This lists 8 points of mitigation that should be covered in any proposals, but does not set out that any required development should be accommodated by assessing the relative merits of landscape impact for all options for village expansion to ensure that the least harm is incurred – it is not clear that the BTNHP is supportive of development in this regard, rather than obstructive. **Amend in line with commentary on para 4.14 above, i.e include ability to: Either assess and allocate reserve sites, or allow for an appropriate process to do so if and when changes in district housing needs dictate.**

### **Map 6**

- 3.7 Map 6 replicates the Districts latest Landscape sensitivity appraisal from 2011, and para 4.14 uses it to state that landscape should be protected, “particularly those areas identified as highly sensitive to future housing development”. The site East of Oakley Wood Road should it be considered a preferred option for an allocated / reserve site for sustainable growth in the village in line with NPPF para 11 and NPPG para 009 as it contains very similar characteristics to the developed site H23 on the opposite side of the road and is now much more urban in its backcloth with the adjacent development of H23, and thus is naturally reduced in landscape sensitivity. Parcels H23 and H49 were re-assessed and released in exactly this way. Furthermore, as a sustainable and identified ‘Growth Village’ (one of 10) and one of only three which is not constrained by

Green Belt, it is inevitable that Bishops Tachbrook will be required to accommodate additional development over and above that already consented, during the Local Plan review, and that such reserve sites will be needed in accordance with BPPF para 11 and NPPG para 009. **The map should be reviewed, landscapes re-assessed in light of recent development and updated accordingly.**

3.8 In order to assist in the future consideration of alternative sites which is a fundamental component of any Neighbourhood Plan, we set out further details of my client’s site at land east of Oakley Wood Road and review its suitability as a reserve site. We start with a review of the benefits which can be delivered by the scheme:

<b>Sustainable Development</b>	<b>Key Economic, Social and Environmental Gains of the Site</b>
An Economic Role/ Economic gains	<ul style="list-style-type: none"> <li>• The construction of the Site would support construction jobs directly related to the development;</li> <li>• The provision of additional dwellings will generate additional convenience, comparison and leisure expenditure in the local area;</li> <li>• The Council will gain a direct contribution through the New Homes Bonus, provided by the Department for Communities and Local Government;</li> <li>• Warwick District Council will gain additional income from the proposed development through additional Council Tax payments.</li> </ul>
A Social Role/Social gains	<ul style="list-style-type: none"> <li>• The provision of new homes will support the creation of strong, vibrant and healthy communities;</li> <li>• The provision of policy compliant (40%) affordable housing will increase the District’s supply of affordable homes and help to reduce inequalities;</li> <li>• The allocation for development of the Site would contribute towards a buffer of flexibility to accommodate a possible and likely increase in local Housing need in a sustainable location;</li> <li>• The provision of formal and informal open spaces which are within easy walking distances of the new homes and will encourage the development of healthy communities as well as ensuring positive linkages with the existing community in Bishop’s Tachbrook;</li> </ul>

	<ul style="list-style-type: none"> <li>The Site is in an accessible location with connections to pedestrian routes, which link to the key services and facilities in Bishop’s Tachbrook.</li> </ul>
<p>An Environmental Role/Environmental gains</p>	<ul style="list-style-type: none"> <li>The Site would include retention of ecological assets and the enhancement of biodiversity including the areas of planting and trees across the Site along with the provision of new green infrastructure;</li> <li>Ability to create additional recreational footpaths to link into the existing public rights of way network enhancing the green infrastructure;</li> <li>The site lies to the east of the Oakley Wood Road, which follows the historic development pattern shown on the 1844 Tithe Map shown on page 14 BTNHP where the village was centred around and either side of this road to the north.</li> <li>The Site lies outside but adjacent to the village of Bishop’s Tachbrook which has a number of services and facilities within walking distance or via existing bus routes thereby reducing the reliance on the private car;</li> <li>Provision of Sustainable Urban Drainage Systems (SuDS) will ensure no adverse impact on flood risk on the Site or within the surrounding area;</li> <li>A commitment to sustainable waste management and construction during both development and occupation. The site sits in a landscape of reduced sensitivity due to the new existing elements of the development of H23 to the west on land raised relative to this site, thus following the logic of the assessments for release of parcels H23 and H49.</li> <li>The next area of growth in this south easterly direction is also the most logical as all other directions are far more sensitive. As an overview assessment and referring to Map 6:-             <ol style="list-style-type: none"> <li>BT02 to the NW is in the setting of listed buildings</li> <li>BT01 to the North would inappropriately narrow the strategic gap with Warwick even further</li> <li>BT03 already has an allocation</li> </ol> </li> </ul>

	<p>4) BT04 has been dismissed at appeal due to landscape and heritage sensitivities</p> <p>5) BT05 is on higher (more landscape sensitive) ground, too close to the M40, and the most remote from the village.</p> <p>6) <b>BT06 (the NW corner has the least landscape impact, and none of the above constraints of other parcels, and is therefore the most appropriate location for the required reserve site.</b></p>
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3.9 My Clients are also willing to discuss with the Parish / residents, ways in which locally required facilities could be accommodated on their site alongside any residential development given that only part of the site would be developed.

**Proposed change: Assess and allocate land East of Oakley Wood Road as a housing site or reserve housing site**

**Policy BT2**

3.10 Policy BTH2 deals with the Tach Brook Country Park and the area between Bishops Tachbrook and the Warwick Conurbation. The protection of these areas as a strategic gap with a country park to prevent inappropriate coalescence is supported.

**Policy BT3**

3.11 Policy BTH3 states "The network of paths, fields, watercourses and water features, woodland, grassland and other green infrastructure features within the parish should be maintained and enhanced for their recreational, tourism and ecological value." The protection of footpaths, watercourses and ecology is supported, however the blanket inclusion of "fields" within this definition repeats the problem identified above with para 4.14. Private fields offer little ecological value, and some landscape value where visible, but none are protected landscapes, so it is inappropriate for a policy to require that the whole network of fields is maintained without any flexibility to accommodate likely future development requirements. **This is an inappropriately blanket and overly restrictive policy more onerous than Greenbelt policy and is designed to**

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**prevent development rather than enable it and should be amended to allow the least sensitive greenfield sites to be released for development where housing need is demonstrated.**

**Policy BT4**

- 3.12 The Traffic Management and Transport Improvements proposed are broadly supported. In particular “f)” requires “Traffic calming measures on Oakley Wood Road (southern approach into the village”. The allocation of land East of Oakley Wood Road, in addition to being the least sensitive and most sustainable direction of growth, would support this aim by urbanising that approach and could enable speed reduction measures such as extended 30mph zones and pedestrian crossings.

**BT5 – Improving Accessibility For All**

- 3.13 The proposals are supported and many could be positively embraced and enabled by development of land East of Oakley Wood Road such as enhanced footway, cycleway and green routes.

**Proposed Policies BT6 – BT11** are supported

**Policy BT12 - Securing a Suitable Mix of House Types, Tenures and Sizes in New Development**

- 3.15 This policy requires new housing to be informed by Local Plan Policies H2 (affordable housing quotas) and H4 (dwelling type mix requirement), and Parish Housing Needs survey (for needs). It is inappropriate to limit the “needs” element for a “Growth Village” as it is designated in the Local Plan, which is targeted for growth to accommodate District Wide need.

**Proposed amendment from “...demonstrate how they have met the needs identified in the most up to date Parish Housing Needs Survey” to “...demonstrate how they have met the full local needs identified in the most up to date Parish Housing Needs Survey as well as the Local District Needs and that of the Local HMA”.**

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**Other material Policies:****Warwick District Council [WDC] Local Development Scheme March 2020**

In March 2020, the Council updated their LDS to include the review required of and in their adopted Local Plan to take place over the next two years. Flexibility as set out above is required in the BTNHP to accommodate this strategic policy, which will include a review of housing need and supply based on the latest 2020 OAN methodology which requires a 45% uplift in the District.

**MHCLG White Paper "Planning for the Future" August 2020**

This emerging National Policy will carry some but limited weight, and with its proposed "Growth Area" allocations, puts yet a further need for flexibility in the BTNHP to accommodate sufficient growth potential to meet the increased need that will arise from the Local Plan review.

**4..0 CONCLUSIONS**

4.1 It is clear that the draft BTNP does not yet meet the basic conditions required by the NPPF 2019 and NPPG 2019 and the Neighbourhood Planning (General) Regulations 2012 for a Neighbourhood Plan to be found sound and be able to progress for the following key reasons:

- The plan runs counter to the NPPF requirements and policies in many areas
- The plan is not in accordance with the Local Plan or its review
- The plan does not include any assessment of all alternative sites

4.2 Sharba Homes continues to support the production of a BTNP for Bishop's Tachbrook Parish and consider that their site, east of Oakley Wood Road, meets the aims and objectives of the requirement for it to contain flexibility for future housing need on the next most logical location for growth of the village.

7.1 We therefore consider that the BTNP requires further consideration and request that it be revisited for the reasons set out above. Any new plan should include a full and proper assessment of all locations for required reserve sites .