

Warwick District Local Plan Examination

Statement on behalf of Kler Group – Matter 3: The supply and delivery of housing land

This Statement is prepared on behalf of Kler Group who have interests in land at Burton Green. Representations were made to the Warwick District Local Plan Publication Draft in June 2015 in respect to the Site.

This Statement responds to the Inspector's main issues on **The supply and delivery of housing land** in relation to the Examination of the Local Plan. We respond to each main issue in turn below:

3) What is the estimated total supply in the Plan period from:

- a) Existing planning permissions**
- b) Other commitments e.g. sites subject to Section 106**
- c) Allocated Sites**
- d) Other sites specifically identified e.g. SHLAA**
- e) Windfalls**

1.1 We provide comment on Question 3 (e) as part of our response to Question 6 below.

5) Specifically, is the figure for windfalls realistic and justified?

2.1 We do not consider the Council's windfall allowance within its housing supply to be realistic or justified, as outlined in our response to Question 6 below.

6) What are the potential sources of windfalls? Given that the Local Plan and SHLAA have provided the opportunity to identify specific sites, are windfalls likely to come forward on the scale envisaged? What would be the implications if they didn't?

3.2 The NPPF defines windfall sites as:

"Sites which have not been specifically identified as available in the Local Plan process. They normally comprise previously-developed sites that have unexpectedly become available".

- 3.1 Emerging Policy DS7 (Meeting Housing Requirement) estimates that 2,485 dwellings (19.11%) of the total housing supply over the Plan period will arise from windfall. Paragraph 48 of the National Planning Policy Framework (the "NPPF") establishes that Local Planning Authorities may:

"...make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the SHLAA [Strategic Housing Land Availability Assessment], historic windfall delivery rates and expected future trends, and should not include residential gardens".

- 3.3 We are of the view that there is no compelling evidence which demonstrates that the amount of windfall sites allowed for will provide a reliable source of supply across the Plan period.
- 3.4 The Council's 'Estimating a Windfall Allowance: Publication Stage' report (Document HO05), published in April 2014, is unclear and considered to be lacking in evidence to demonstrate that the expected windfall allowance, specifically in relation to how rural sites are dealt with.
- 3.5 In total, the 'Rural Areas' category will account for 544 of the windfall allowance, amounting to 18.75% of the total windfall supply. This is based on 34 dwellings being delivered in the rural area per annum, representing an increase of 40% on the past trend of 24 dwellings per annum. We do not consider that "more relaxed planning policy and more settlement boundaries, where infill development can take place, and student accommodation on campus" (Paragraph 5.24 of Document HO05) provides sufficient justification for increasing the number of rural windfall sites included within the supply.
- 3.6 There is also concern that the 'Rural Areas' category double counts sites included within the 'Urban Areas' categories. No definition is provided as to what settlements would comprise the urban area. Indeed Table 1, which shows past trends, notes that the 'Rural Areas' category within the table does not include "student flats at Warwick

University as these are untypical of rural windfall sites in the District”, yet in contrast paragraph 5.24 states that the increase of 40% on the past trend for the rural area allows for “student accommodation on campus”.

- 3.7 National Planning Practice Guidance (“PPG”) advises that SHLAAs should:

“...identify all sites and broad locations regardless of the amount of development needed to provide an audit of available land. The process of the assessment will, however, provide the information to enable an identification of sites and locations suitable for the required development in the Local Plan” (Paragraph: 009 Reference ID: 3-009-20140306). (Underlining our emphasis).

- 3.8 The PPG goes on to state that:

“Plan makers will need to assess a range of different site sizes from small-scale sites to opportunities for large-scale developments... The assessment should consider all sites and broad locations capable of delivering five or more dwellings” (Paragraph 010 Reference ID: 3-010-20140306). (Underlying our emphasis).

- 3.9 Mindful of the above advice and paragraph 84 of the NPPF, and the wide extent of the Council’s SHLAA 2014 (Document HO12), published in May 2014, which assesses the suitability of 127 sites in the Rural Area and 134 sites on the Urban and Edge of Urban Areas, it is considered that a large proportion of the ‘Rural Areas’ category, as well as some of the ‘Redevelopment / New Build Sites of Five or More Dwellings’ category, double counts sites within the SHLAA.
- 3.10 Paragraph 5.5 of Document HO12 refers to the changes to the General Permitted Development Order in 2013 and 2014 to allow changes of use in certain circumstances from offices to dwellings and from farm buildings to housing in rural areas. Again there is concern that the amount of windfall dwelling accounted for in the ‘Rural Areas’ double counts dwellings included within the ‘Conversions and Changes of Use’ category.

- 3.11 It is also observed that paragraph 5.23 of Document H005 indicates that "it is likely that the supply of other sites are likely to continue to grow. These sites include: surplus public sector land and buildings (including Council owned land)". This is not consistent with the findings of the Council's SHLAA 2014 Main Report (Document H012) , published in May 2014, which states at paragraph 3.4 that "...a limited number of public sector sites were identified reflecting the fact that there are no major Government bodies with landholdings in the District".
- 3.12 In light of the above we therefore consider that there is no compelling evidence for the Council's windfall allowance. Accordingly if emerging Policy DS7 is to be considered positively prepared, justified and effective, as a minimum, the 544 dwellings on rural sites should be removed from the windfall allowance within the Council's housing supply to ensure there is no double counted sites with other categories and sites considered by the SHLAA.

7) How has flexibility been provided in terms of the supply of housing? Are there other potential sources of supply?

- 4.1 We do not consider that the supply of housing provides sufficient flexibility for dealing with the impacts of HS2 as outlined in our response to Question 9 below, specifically at paragraph 5.7.

9) Would the Local Plan realistically provide for a five year supply on adoption? Will a five year supply be maintained?

- 5.1 The Council's most recent evidence, An Update of the Five Year Housing Land Supply Situation, provides a five year housing land supply position as at 11th November 2014. The document indicates that the Council are only able to demonstrate a 4.5 year supply and therefore they do not have an up to date five year housing land supply. This position has been agreed at three recent Appeals at Radford Semele (Appeal Reference: APP/T3725/A/14/2222868) and Barford (Appeal References: APP/T3725/A/14/2215618 and APP/T3725/A/14/2222805).
- 5.2 The Inspector's Report for the most recent decision (10th March 2015), for the site at Radford Semele, states that at the Inquiry the Council "argued it was an improving

situation and they could actually identify a 4.8 year supply". Notwithstanding this it remains that there is no evidence indicating that they are able to demonstrate an up to date five year housing land supply either now, or upon the Local Plan being adopted, should the Inspector find the Plan sound.

- 5.3 Looking beyond the current five year housing land supply period, the NPPF establishes at Paragraph 47 that Local Planning Authorities should:

"...set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target".

(Underlining our emphasis).

- 5.4 In light of our response to Matter 2 it is considered that the housing requirement identified by the Local Plan would need to be significantly increased if it is to represent Warwick District's full Objectively Assessed Housing Need as well as the deficit in the supply resulting from the removal of or significant reduction in windfall sites. In this circumstance, with the Council's requirement increasing by 5,788 dwellings across the Plan period, it is our view that the Council would be unable to maintain a continuous five year housing land supply based on the supply advanced by emerging Policy DS7.
- 5.5 Although it is appreciated that the Examination will assess site allocations and specific settlements at later Hearing Sessions, it is our view that HS2 will also impact Warwick District Council's ability to maintain a continuous five year housing land and in particular the housing supply at Burton Green, which is identified as a 'Growth Village' in the Local Plan. The Local Plan does not consider or account for any impacts arising from HS2.
- 5.6 Within Warwick District, HS2 will primarily impact Burton Green, with a 'cut and cover' tunnel being constructed through the village. At the current time it is proposed that construction of HS2 in Burton Green will commence in 2018 and will not be completed until 2024 at the earliest. Bearing in mind the delays experienced with the project to date, the Hybrid Bill for HS2 Phase One only being at the Committee Stage and the forthcoming General Election, there is a significant possibility that the HS2 timetable will fall further behind, suggesting the construction timetable for Burton Green is ambiguous at best.

- 5.7 With the likely impacts arising from the construction of HS2 on the Burrow Hill Nursery site (Site Reference: H24), which the Local Plan proposes will deliver all of the 60 dwellings allocated to Burton Green, it is unlikely that this site will come forward before the construction of HS2 is complete. The Council's housing supply includes no flexibility should the completion of HS2 be delayed beyond the end of the Plan period in 2029. The Local Plan also fails to consider the impacts HS2 will have, once completed, on the deliverability of this site. Indeed the enclosed Operational Noise and Vibration Impacts and Likely Significant Effects Maps (Map Numbers: SV-01-050b and SV-02-050b) and the Site Locations in Relation to HS2 map (Drawing No: SL-P-03) show that the north of the site will experience some potential noise effect.
- 5.8 Further to the above there is concern that the Local Plan, and the identified housing supply, does not account for the likely loss of and abandonment of homes as a result of HS2 in Burton Green, as well as its impact on the deliverability of the site at Burrow Hill Nursery (Site Reference: H24), where 60 dwellings are proposed. The Safeguarding Directions Map for Burton Green (Map Number: SG-01-047) identifies that a total of 24 dwellings are eligible to submit a Blight Notice and request that the Secretary of State for Transport buy their property prior to the construction of HS2. An accepted Blight Notice means that the Department for Transport will agree to purchase the property at the un-blighted value, plus a loss payment, plus reasonable removal costs and expenses. Discussions with the Burton Green Stop HS2 Committee indicate that of these 24 dwellings, two are rented and therefore do not meet the criteria for submitting a Blight Notice. Of the 22 properties therefore eligible, 11 of those have to date finished the Blight Notice process and have vacated the properties affected. A further two properties have submitted Blight Notices and are awaiting responses from the Secretary of State for Transport. The Committee anticipate that all 22 properties will submit a Blight Notice.
- 5.9 Separately 35 dwellings are in the 'Rural Support Zone', which is defined by HS2 in their guidance note for 'Property Schemes For the London-West Midlands HS2 route' (published in January 2015) as "...the area that starts at the outer border of safeguarding and stops 120m from the centre line of the HS2 railway in rural areas". Properties in the Rural Support Zone are able to either receive:

- **The cash offer** – a lump sum payment of 10% of the un-blighted open market value of the property; or
- **Voluntary purchase** – the Government will purchase the property for 100% of the un-blighted open market value.

- 5.10 Of the 35 dwellings in the 'Rural Support Zone' six properties are not eligible for support, four of which are rented and two purchased after HS2 was announced. Given this scheme only became active in January 2015 no property has yet applied for support.
- 5.11 Beyond the 'Rural Support Zone' (i.e. beyond 120m from the HS2 line) under the 'Need to Sell' scheme, introduced in January 2015, certain properties can request the Secretary of State for Transport to purchase their property at its un-blighted market value where it can be demonstrated that there is a compelling reason to sell the property, but have not been able to do so, other than at a substantially reduced price, as a result of HS2. Compelling reasons include divorce, job relocation, health, financial hardship or death. This scheme replaces the previous 'Exceptional Hardship Scheme'. To date two properties in Burton Green have had a claim accepted and two further claims are in progress.
- 5.12 As part of the construction works Cromwell Lane will also be closed for a minimum of six months, severing the southern section of the village from the north. Paragraph 5.4.22 of the HS2 Environmental Statement (ES) indicates that this will give rise to "a major adverse isolation effect to the community of Burton Green, which is significant" (extract enclosed). It is also expected that for a period of three years and six months during construction of HS2, on a daily basis there will be between 60 and 75 two-way HGV movements and between 140 and 165 two-way car and light good vehicle movements. Paragraph 4.4.10 of the HS2 ES acknowledges that this could "affect local air quality through the emissions associated with additional traffic generated on roads as a result of construction traffic routes, temporary road alignments and changes to traffic patterns arising from temporary road diversions" (extract enclosed).
- 5.13 Mindful of the infancy of the rural support scheme, the construction impacts of HS2 outlined above and the number of properties submitting Blight Notices, it is

considered reasonable to expect that all 29 dwellings within the Rural Support Zone may apply for voluntary purchase and vacate the properties.

- 5.14 All of the properties vacated following the acceptance of a Blight Notice or the Voluntary Purchase scheme will remain vacant until HS2 is complete. As such it is reasonable to consider that around **55** dwellings could be vacated until the completion of HS2 which as outlined at paragraphs 5.8 to 5.11 above could fall after the current Plan period. This could even be more depending on the number of dwellings which submit claims under the 'Need to Sell' scheme, including two claims which are currently in process. Burton Green Parish Council's website identifies that there are about 263 homes in the village, as such the loss of 55 dwellings represents a decrease of **20.91%** of housing stock in the village.
- 5.15 Taking into consideration the number of dwellings to be vacated during construction of HS2 and its impacts on the deliverability of the Burrow Hill Nursery site during the current Plan period, it is likely that there will be a net loss of 115 dwellings from the Council's housing land supply in Burton Green alone. To address this loss and to ensure that the Council is able to maintain a five year housing land supply across the Plan period it is our view that further sites should be allocated for residential development. In particular further sites should be allocated within Burton Green to address the significant loss of dwellings amounting to 20.91% of the village's housing stock. As a minimum, these sites should be deliverable and achievable now to address this net loss of dwellings in the short term and provide an alternative location for those vacating their properties in Burton Green to live.
- 5.16 The site at and to the rear of the Peeping Tom Public House in Burton Green (SHLAA Ref: R91), which has been promoted through the Local Plan process, would be a suitable site for accommodating some of the village's need. The site is isolated from the HS2 route, both during the construction phase and once operational, and is in a sustainable location, being centrally located and well connected to the rest of the village, it is within walking distance of both a bus stop with an hourly service, Tile Hill Railway Station and employment opportunities at Westwood Heath and Warwick University.

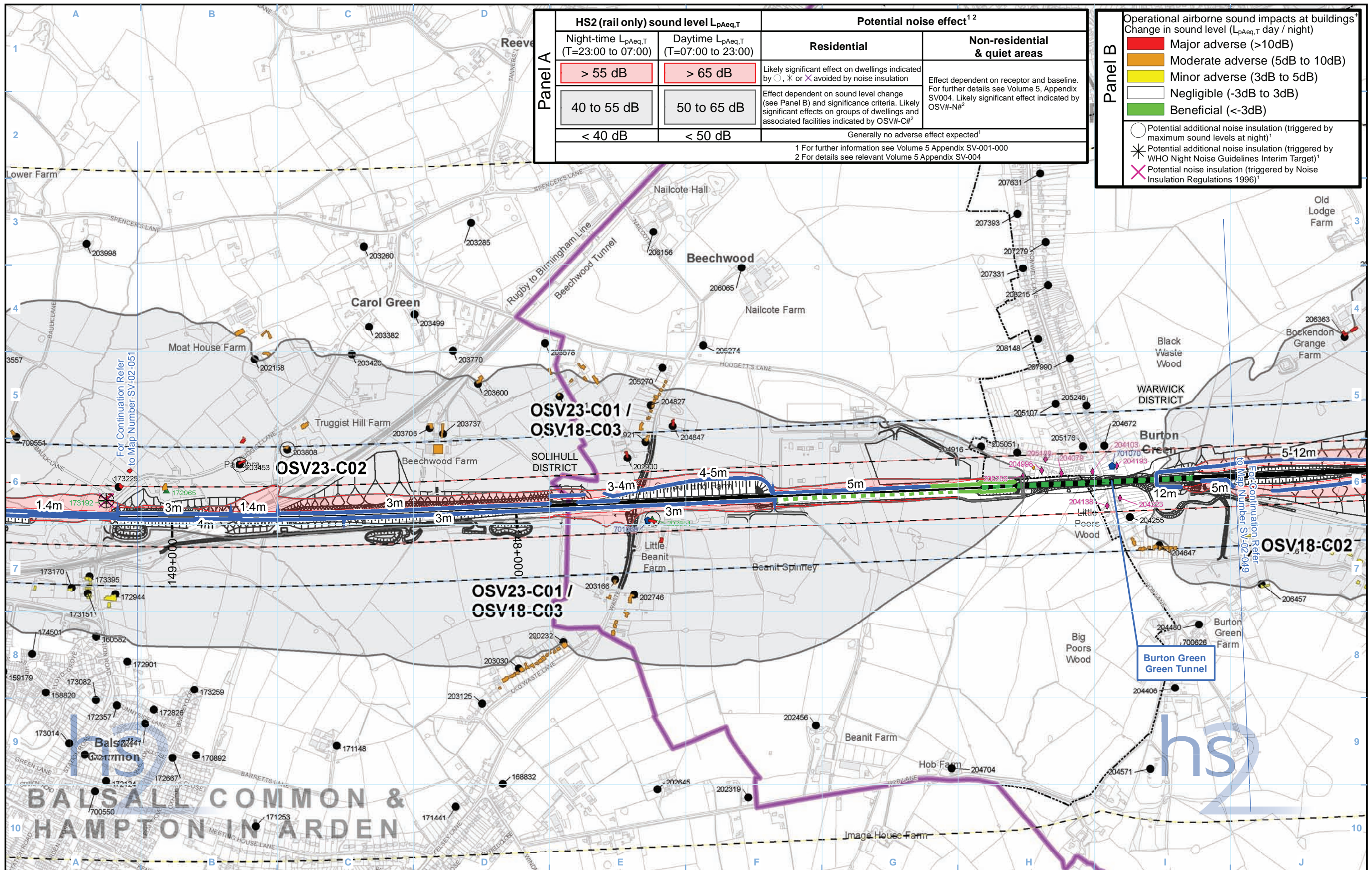
10) In overall terms would the Local Plan realistically deliver the number of dwellings required over the Plan period?

- 6.1 Mindful of our responses to Questions 5, 6, 7 and 9 above, and our Hearing Statement for Matter 2, it is considered that the Local Plan cannot realistically deliver the number of dwellings required over the Plan period.

Suggested Changes

It is our view that the following changes are required if the emerging Warwick District Local Plan is to be considered to be positively prepared, justified and consistent:

1. If emerging Policy DS7 is to be considered positively prepared, justified and effective, as a minimum, the 544 dwellings on rural sites should be removed from the windfall allowance within the Council's housing supply to ensure there is no double counted sites with other categories and sites considered by the SHLAA.
2. Further sites should be allocated within the Local Plan, including the site on land at and to the rear of the Peeping Tom Public House in Burton Green, to ensure there is flexibility within the housing supply to meet the District's Objectively Assessed Housing Need of **18,648** and address the net loss of **115** dwellings in the housing supply during the current Plan period as a result of HS2.



Panel A	HS2 (rail only) sound level $L_{pAeq,T}$		Potential noise effect ^{1 2}	
	Night-time $L_{pAeq,T}$ (T=23:00 to 07:00)	Daytime $L_{pAeq,T}$ (T=07:00 to 23:00)	Residential	Non-residential & quiet areas
	> 55 dB	> 65 dB	Likely significant effect on dwellings indicated by ○, * or ✕ avoided by noise insulation	Effect dependent on receptor and baseline. For further details see Volume 5, Appendix SV004. Likely significant effect indicated by OSV#-N# ²
	40 to 55 dB	50 to 65 dB	Effect dependent on sound level change (see Panel B) and significance criteria. Likely significant effects on groups of dwellings and associated facilities indicated by OSV#-C# ²	
	< 40 dB	< 50 dB	Generally no adverse effect expected ¹	
	1 For further information see Volume 5 Appendix SV-001-000 2 For details see relevant Volume 5 Appendix SV-004			

Panel B	Operational airborne sound impacts at buildings* Change in sound level ($L_{pAeq,T}$ day / night)	
	Major adverse (>10dB)	
	Moderate adverse (5dB to 10dB)	
	Minor adverse (3dB to 5dB)	
	Negligible (-3dB to 3dB)	
	Beneficial (<-3dB)	
○ Potential additional noise insulation (triggered by maximum sound levels at night) ¹		
✱ Potential additional noise insulation (triggered by WHO Night Noise Guidelines Interim Target) ¹		
✕ Potential noise insulation (triggered by Noise Insulation Regulations 1996) ¹		

Legend - General features

- Route in bored tunnel
- Route in green tunnel
- Route on surface
- Depot, station, headhouse or portal building
- Community forum boundary
- District/Borough boundary
- County boundary

Engineering earthworks:

- Embankment
- Cutting

Non engineering earthworks:

- Embankment
- Cutting

* Residential buildings only
* Labelled with total barrier height above rail level

Legend - Sound related features

- Committed developments (label as CFA#/#)
- Envisaged mitigation to avoid / reduce significant noise effects:
 - Landscaping and/or fence barriers*
 - Engineering e.g. cuttings (green tunnels separately marked)
 - Envisaged measures further reducing noise effects:
 - Other environmental features e.g. landscaping
 - Engineering e.g. cuttings
- Airborne sound study area

- Ground-borne sound & vibration study area (residential and non-residential)
- Ground-borne sound & vibration study area (highly sensitive non-residential)
- Airborne sound assessment location
- Airborne sound and vibration assessment location
- Ground-borne sound and/or vibration assessment location
- Airborne sound, ground-borne sound and vibration assessment location
- Minor ground-borne noise or vibration impact*

Map Number

SV-02-050b

Map Name

Operational Noise and Vibration Impacts and Likely Significant Effects (with Assessment Locations)

Community Forum Area CFA23:
Balsall Common & Hampton in Arden

hs2

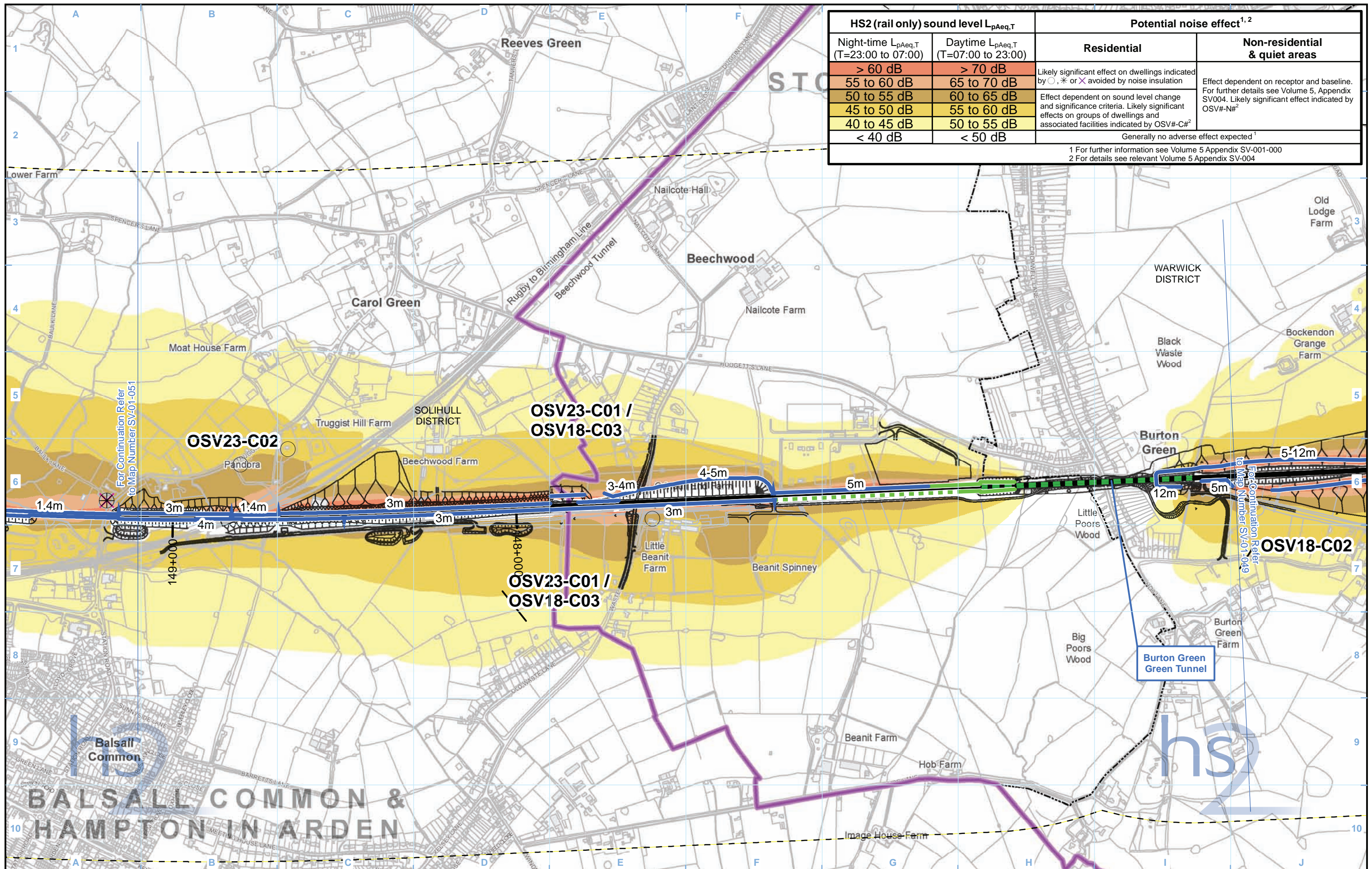
Registered in England. Registration number 06791686.
Registered office: Eland House, Bressenden Place,
London SW1E 5DU.

Scale at A3: 1:10,000

0 100 200 300 400 Metres

Doc Number: C250-ARP-EV-MAP-000-003723

Date: 31/10/13



HS2 (rail only) sound level $L_{pAeq,T}$		Potential noise effect ^{1, 2}	
Night-time $L_{pAeq,T}$ (T=23:00 to 07:00)	Daytime $L_{pAeq,T}$ (T=07:00 to 23:00)	Residential	Non-residential & quiet areas
> 60 dB	> 70 dB	Likely significant effect on dwellings indicated by ○, ✱ or ✕ avoided by noise insulation	Effect dependent on receptor and baseline. For further details see Volume 5, Appendix SV004. Likely significant effect indicated by OSV#-N# ²
55 to 60 dB	65 to 70 dB		
50 to 55 dB	60 to 65 dB		
45 to 50 dB	55 to 60 dB		
40 to 45 dB	50 to 55 dB		
< 40 dB	< 50 dB	Generally no adverse effect expected ¹	
1 For further information see Volume 5 Appendix SV-001-000			
2 For details see relevant Volume 5 Appendix SV-004			

Legend - General features

- Route in bored tunnel
- Route in green tunnel
- Route on surface
- Depot, station, headhouse or portal building
- Community forum boundary
- District/Borough boundary
- County boundary

Engineering earthworks:

- Embankment
- Cutting

Non engineering earthworks:

- Embankment
- Cutting

Legend - Sound related features

- Envisaged mitigation to avoid / reduce significant noise effects:
- Landscaping and/or fence barriers*
- Engineering e.g. cuttings (green tunnels separately marked)
- Envisaged measures further reducing noise effects:
- Other environmental e.g. landscaping
- Engineering e.g. cuttings

Legend - Noise insulation

- Airborne sound study area
- Potential additional noise insulation (triggered by maximum sound levels at night)¹
- Potential additional noise insulation (triggered by WHO Night Noise Guidelines Interim Target)¹
- Potential noise insulation (triggered by Noise Insulation Regulations 1996)¹

* Labelled with total barrier height above rail level

Map Number: SV-01-050b

Map Name: Operational Sound Contour Maps and Likely Significant Effects

Community Forum Area CFA23: Balsall Common & Hampton in Arden

hs2

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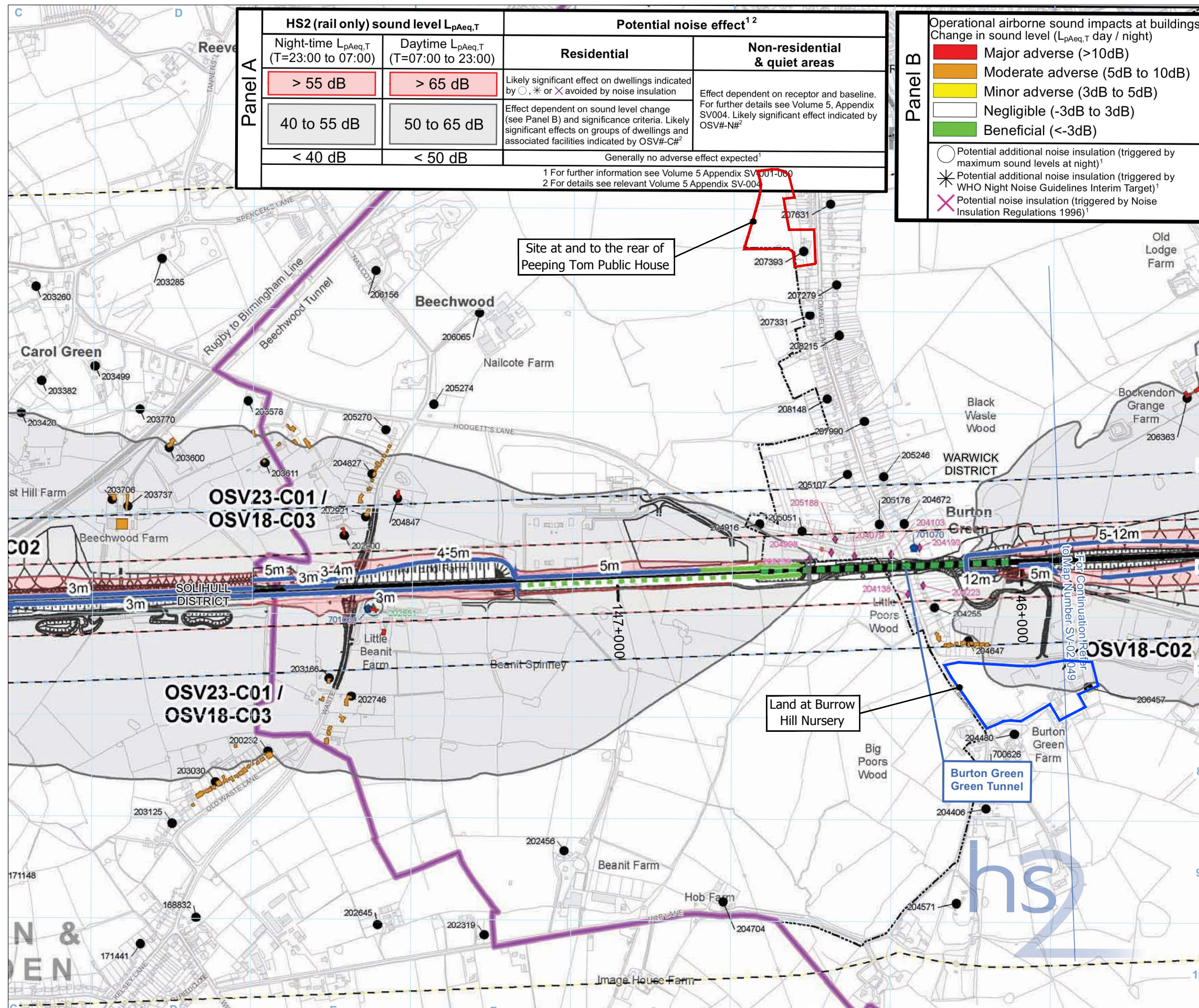
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Doc Number: C250-ARP-EV-MAP-000-003613

Date: 29/10/13

Scale at A3: 1:10,000

0 100 200 300 400 Metres



Project
Land at and to the rear of the
Peeping Tom Pub, Burton Green

Drawing Title
Site Locations in Relation
to HS2

Date
17.01.14

Scale
1:1,250@A3

Drawn by
M.S.

Check by
MXS

Project No
20612

Drawing No
SL-P-03

Revision
-

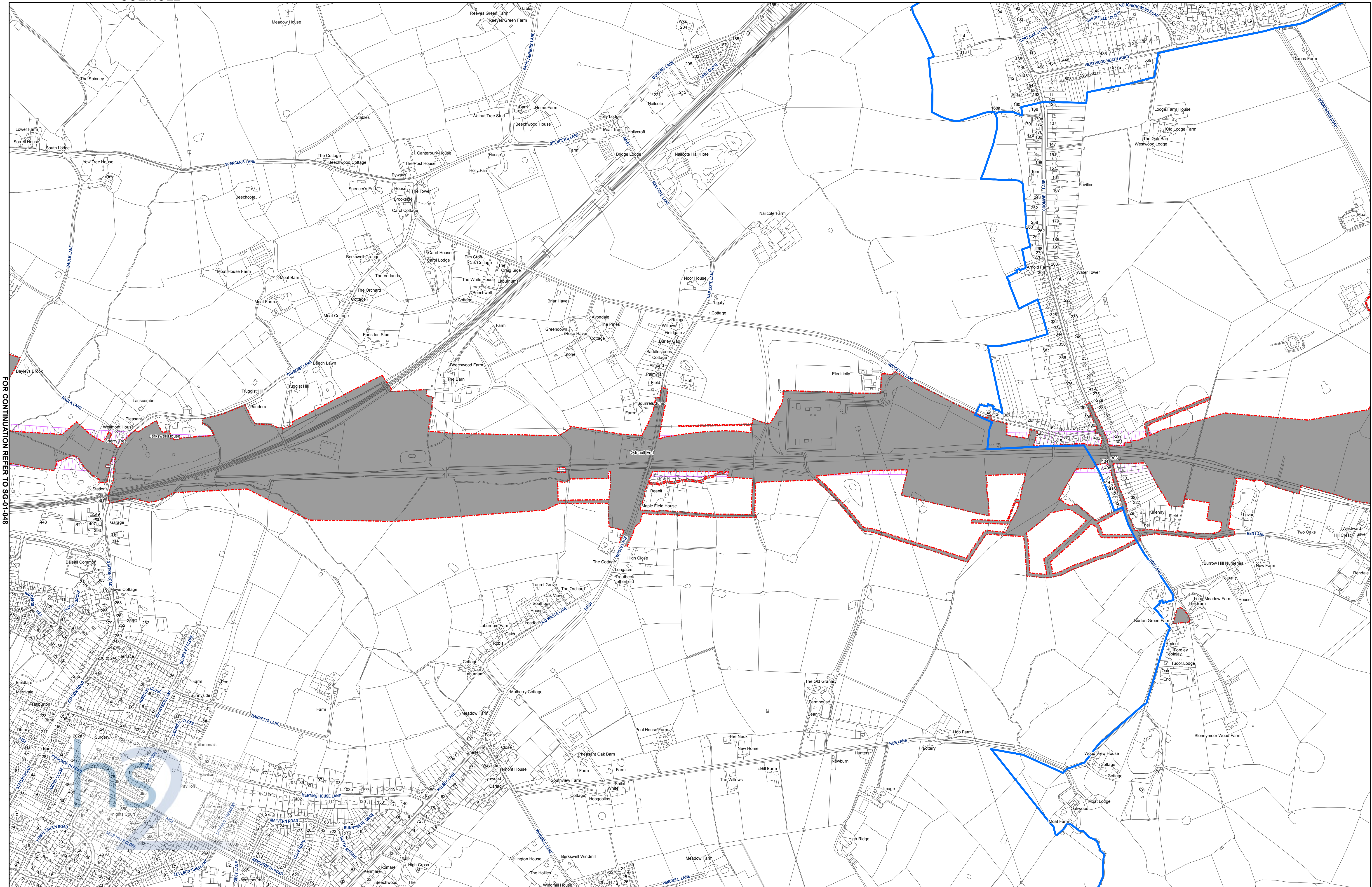
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FOR CONTINUATION REFER TO SG-01-048

FOR CONTINUATION REFER TO SG-01-046

Legend

- Limits of Land Subject to Safeguarding Direction
- Safeguarded Area: Surface
- Safeguarded Area: Sub-surface
- Extended Homeowner Protection Zone*
- District/Borough boundary

WARWICKSHIRE WARWICK DISTRICT

Map Number	SG-01-047
Map Name	High Speed Two Phase One Safeguarding Directions
Date of Issue	JUNE 2014

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Scale at A1: 1:5,000
Scale at A3: 1:10,000

Date: 19/06/14

* This is the area previously in surface safeguarding according to the October 2013 Safeguarding Directions.

- 5.4.15 Permanent access rights are required over land to the south of Dalehouse Lane and near Crackley Lane. However, these are not expected to result in the loss of any land from the properties affected.

Open Spaces and recreational PRoW

- 5.4.16 The Kenilworth Golf Club will be affected by a slight permanent loss of land from the eastern edge of the course and along its boundaries with the A46 Kenilworth Bypass to the south and Dalehouse Lane to the north. Whilst this loss of land will partially impair the resource, the main playing area of the fairways, tees and greens, including those planned for the golf course extension in the vicinity of New Kingswood Farm will be largely unaffected. Overall, the effects associated with this loss of land on users of the course are assessed as minor and not significant.
- 5.4.17 The 'Connect2Kenilworth' recreational PRoW route W164/Sustrans NCR No. 52, to the north of Kenilworth near Canley Brook will be affected by the requirement for land to construct the Proposed Scheme. Approximately 600m of the route falls within the boundary of land that will be required permanently. The scheme design requires the route to be permanently diverted around the earthworks for the Canley Brook diversion. This will add about 250m to the length of this part of the route. As a recreational route this 250m increase in length is assessed as giving rise to a minor adverse effect on its users, which is not significant at a community level.

Edge of Coventry

Temporary effects

Residential properties

- 5.4.18 Works to construct the new railway, the A429 Kenilworth Road overbridge and the realignment of Canley Brook will result in significant adverse visual effects on the residents of Gibbet Hill. There will also be a significant increase in HGV construction traffic using the A429 Kenilworth Road. The combination of significant visual and HGV traffic effects over approximately four years, will give rise to a major adverse effect on the amenity of the residents of Nos. 160-170 Kenilworth Road (even numbers), which is significant.

Burton Green

Temporary effects

Residential properties

- 5.4.19 At Cromwell Lane, in the centre of the village, a group of 14 residential properties either side of the tunnel construction area and works to reconstruct the Cromwell Lane bridge are likely to be affected by a combination of significant noise and/or vibration and visual effects. These combined effects are expected to last for approximately 8 to 12 months and the change in amenity for residents is assessed as a major adverse effect, which is therefore significant. The properties that are likely to be affected by a combination of significant amenity effects are nos. 293-301 (odd numbers) and no. 402, which are situated to the north of the Proposed Scheme; and nos. 307-323 (odd numbers) which are situated to the south of the Proposed Scheme.
- 5.4.20 It is noted that Nos. 301 and 402 Cromwell Lane, which are located immediately alongside the route to the north of the Proposed Scheme and either side of the road,

will also be affected by a temporary loss of land during construction, these impacts are assessed as not significant at a community level.

- 5.4.21 The occupiers of a group of approximately 21 residential properties on Hodgett's Lane are likely to be affected by a combination of significant noise and visual effects during construction of the Burton Green green tunnel and the works to build the Burton Green auto-transformer feeder station on the north-western edge of the village. Eleven of these dwellings, located immediately adjacent to the Proposed Scheme, will also experience vibration effects for 8 months. These works are likely to last for up to two years and the combination of effects on the amenity of residents is assessed as giving rise to a major adverse effect which is significant. The properties that are likely to be affected are: Nos. 3 – 23 (odd numbers) which are located immediately adjacent to the boundary of the tunnel works; and Nos. 22-46 (even numbers) which are located on the north side of Hodgett's Lane.
- 5.4.22 During the construction period, many of Burton Green's residents will be affected by works to demolish and reinstate the bridge at Cromwell Lane. It is anticipated that these works will be phased in such a way as to enable part of the tunnel roof structure to be constructed ahead of the existing road bridge structure being dismantled. These works will act as a substantial visual barrier through the centre of the village and will lead to disruption to journeys, including journeys made on foot, through the centre of the village. Significant pedestrian severance has also been identified along Hob Lane/Cromwell Lane due to significant increases in HGV traffic. This would affect journeys to access the Burton Green Church of England Primary School on the south side of the construction works and Two Oaks Day Nursery and Hedgerow Day Nursery on either side of the Proposed Scheme at Cromwell Lane and Red Lane. It will also affect journeys made by residents of the village visiting others located on the opposite side of the construction works. The disruption at Cromwell Lane, which is anticipated to last for about six months, is assessed as giving rise to a major adverse isolation effect on the community of Burton Green, which is significant. However, access to the village itself will not be significantly affected.
- 5.4.23 A further five residential properties at two locations on Hob Lane to the south-west and west of the village will be within the boundary of land which may be required temporarily for works to existing utilities in the area. In these cases, the effects are assessed as not significant at a community level. The properties at Hob Lane that will be affected are: Moat Farm, Moat Lodge and Oakwood, Hob Farm and Beanit Farm.

Community facilities

- 5.4.24 As concluded above, some of the pupils of Burton Green Church of England Primary School who reside in the village will be subject to major adverse isolation effects. For the remaining 64% of pupils who travel from further afield, no significant effects on road traffic have been reported by the traffic and transport assessment, and therefore no significant isolation effects have been identified.
- 5.4.25 The Two Oaks Day Nursery is situated immediately adjacent to the boundary of land required for the construction and operation of the Proposed Scheme. Given its proximity to the works, the Nursery will also be affected by a combination of significant visual and noise effects during the construction period, which could last for a period of about 2 months. The Two Oaks Day Nursery operates on a daily basis

throughout the year and makes significant use of the grounds at the site for early years/foundation stage education and play activities and has been awarded a “Forest School” status. The change in amenity at the Nursery during the construction period will impair the use of the resource and is assessed as giving rise to a moderate adverse effect on users of the nursery, which is significant.

- 5.4.26 HS2 Ltd will work closely with Warwickshire County Council, Burton Green Church of England Primary School, Hedgerow Day Nursery and Two Oaks Day Nursery to identify reasonably practicable measures to help mitigate significant residual isolation and amenity effects, including discretionary measures identified in the draft CoCP.

Recreational PRow

- 5.4.27 During construction, a temporary diversion route for the Kenilworth Greenway will be provided at Burton Green as part of the Proposed Scheme. This will also serve as a diversion route for the Coventry Way and Sustrans NCR No. 523 which share the same route as the Greenway through Burton Green. This temporary route will diverge from the existing Greenway alignment to the south of Cromwell Lane, to run along a section of Red Lane, crossing Hob Lane and running around the perimeter of fields to the south-west of the route of the Proposed Scheme. The route is relatively circuitous and users will have to negotiate traffic at the junction with Red Lane and Hob Lane, where a significant increase in HGV construction traffic is predicted during the works. Access to the Greenway during the construction period will be at the junction with Hob Lane and Red Lane, which is some 300m south of its present position in the centre of the village at Cromwell Lane. The temporary diversion route is likely to be required for a period of about four or five years. Whilst there is no overall loss of a route for the Greenway during this time, its temporary alignment is unlikely to be so well suited to cyclists. Taken together with the loss of a convenient access point in the centre of the village and the requirement to cross through construction traffic, the construction works for the Proposed Scheme will impair the functional value of the Greenway as a key pedestrian and cycle route. This is assessed as giving rise to a temporary moderate adverse effect on users of this locally important resource.
- 5.4.28 The temporary realignment has been designed to avoid the construction works wherever practicable so as to reduce significant amenity effects on users. However, this is unavoidable at Red Lane where the Kenilworth Greenway will need to share the access track for approximately 450m with vehicles accessing the materials transfer and stockpiling area that is proposed to the south of the village and where the route runs alongside the Cromwell Lane satellite compound. Here, users of the temporary Kenilworth Greenway realignment will also be affected by significant visual effects due to the operation of plant and machinery in this area and a significant increase in HGV traffic at the junction of Red Lane and Cromwell Lane for up to five years in total. It is recognised that users of the route will also be subject to noise impacts as a result of proximity to the construction works, but given the transitory nature of the route, the impacts of construction noise are not assessed as being significant. The combined visual and HGV traffic effects are assessed as giving rise to a major adverse effect on the amenity of people using the Greenway in this location, which is significant.

Permanent effects

Residential properties

- 5.4.29 Three residential properties in the centre of the village at Cromwell Lane will need to be demolished during construction of the Proposed Scheme. Ordinarily, the loss of three dwellings from a village comprising of about 260 homes, would be assessed as a not significant at a community level. However, in this case, the loss of these properties will leave a clearly evident gap in a prominent location at the heart of the village and the loss is assessed as a moderate adverse effect which is therefore a significant effect in this situation. The properties that will need to be demolished at Cromwell Lane are: Nos. 303 and 305 on the south-east side of Cromwell Lane, immediately to the south-east of the tunnel works; and No. 404 which is located on the north-west side of Cromwell Lane, again immediately to the south-east of the tunnel works.
- 5.4.30 A further four residential properties at Burton Green will be affected by a slight permanent loss of land for the construction and operation of the Proposed Scheme. These impacts are not considered significant at a community level. The properties that will be affected are: No. 301 at Cromwell Lane, Le Van at Red Lane, and Lanthorn House and Kilrenny House, at Red Lane.
- 5.4.31 An outbuilding within the curtilage of No. 301 Cromwell Lane, which is located immediately to the north of the Proposed Scheme and on the east side of the road, will also need to be demolished to allow for the construction of the Proposed Scheme.

Community infrastructure

- 5.4.32 The Burton Green village hall will need to be demolished to facilitate construction of the Proposed Scheme. The hall is a well used and valued community resource, with regular bookings on a daily basis for a range of private and group events, including sports and leisure groups, art classes, parish council meetings, resident association meetings and use by the Burton Green Congregation as a place of worship once per month. The charitable trust which manages the hall estimates that the hall has 29 groups which use the hall on a regular basis for organised events and that over 14,000 people have visited the hall in the period September 2011 to September 2012. There are no other community halls or meeting venues in the village; with the nearest alternative being more than 2km away at Westwood Heath on the edge of Coventry. Neither the Peeping Tom public house on the north side of the village at Cromwell Lane, nor the School at Hob Lane have function rooms which are available for private bookings and community events. The demolition of the hall will therefore leave Burton Green without any facilities available for community use and will leave some members of the community without convenient access to other alternative organised activities and events or opportunities to meet or participate in social gatherings, including religious worship, for which there are also no other alternatives locally. Given the importance and value of the village hall to the local community the loss is assessed as giving rise to a major adverse effect, which is significant.
- 5.4.33 It is proposed to use the powers within the hybrid Bill to mitigate the effects on the community arising from the demolition of the Burton Green village hall. The limits of land identified in the Bill make provision to acquire an area of land adjacent to the primary school in the village on which a replacement facility could be provided. HS2

Ltd is willing to work with the village hall trustees to assist them with the provision of a replacement facility in another location if this is their preferred option.

Recreational PRoW

- 5.4.34 The Kenilworth Greenway, which also forms part of the Sustrans NCR No. 523 and the Coventry Way long distance trail is crossed by the boundary for the Proposed Scheme from a point about 500m south of Cromwell Lane, northwards to the boundary of this part of the study area. The Proposed Scheme follows the alignment of the Kenilworth Greenway initially above ground and then passing beneath it in tunnel through the centre of Burton Green.
- 5.4.35 The scheme design makes provision to reinstate the Greenway on top of the tunnel structure once the works are completed. At Cromwell Lane, a new signal controlled crossing will be provided for users of the Greenway to cross the road at-grade, rather than beneath the road as is presently the case. The Greenway will also be permanently diverted from its current position to pass around both of the portal structures at either end of the tunnel section.
- 5.4.36 Whilst there is therefore no permanent severance or loss of use of the Greenway, users will have to negotiate additional crossings of the access road to the south portal and Cromwell Lane in the centre of the village, which will impair the value of what is currently an off-road recreational route. The Proposed Scheme will also require some changes to the gradient of the Greenway where it rises up to cross Cromwell Lane above the new tunnel structure, which may affect the enjoyment for some users. Access to the Greenway at Cromwell Lane will be at-grade which may offer some benefit for users with impaired mobility compared with the sloping pathway which currently provides access down to the Greenway alongside No. 301 Cromwell Lane. Overall, having regard to the importance and value of this route locally, the permanent realignment of the Greenway is assessed as giving rise to a moderate adverse effect on users, which is significant.

Beechwood

Temporary effects

Residential properties

- 5.4.37 The Proposed Scheme crosses the B4101 Waste Lane between Catchems Corner to the west and Beechwood to the east. During construction, a group of 16 residential properties at the B4101 Waste Lane on either side of the Proposed Scheme are likely to be affected by a combination of visual effects together with significant increase in HGV construction traffic using the road. The works, which include the construction of the B4101 Waste Lane overbridge, the formation of a temporary route for the Kenilworth Greenway together with the operation a satellite construction compound on the west side of the Proposed Scheme are expected to last for at least 12 months. During this time, the combination of significant visual and HGV traffic effects will give rise to a major adverse effect on the amenity of residents in this area. Properties at Waste Lane that are likely to be affected by a combination of significant amenity effects include: Little Beanit Farm, Squirrels Jump, Field House, Fairways, Batavia House, Almond House, Gillingwood, Brendon Cottage, Saddlestones, Braeburn, Castlemorton, Burnley Gap, Brentwood, Fieldgate, Silver Birches and Old Hall.

- keeping soil stockpiles away from sensitive receptors where reasonably practicable, also taking into account the prevailing wind direction relative to sensitive receptors;
- using enclosures to contain dust emitted from construction activities; and
- undertaking soil spreading, seeding and planting of completed earthworks as soon as reasonably practicable following completion of earthworks.

Assessment of impacts and effects

Temporary effects

- 4.4.3 Impacts from the construction of the Proposed Scheme could arise from dust-generating activities and emissions from construction traffic. As such, the assessment of construction impacts has been undertaken for human receptors sensitive to dust and exposure to NO₂ and PM₁₀, as well as ecological receptors sensitive to dust.
- 4.4.4 An assessment of construction traffic emissions has been undertaken for two scenarios in the construction period: a Without the Proposed Scheme scenario and a With the Proposed Scheme scenario.
- 4.4.5 In the Stoneleigh, Kenilworth and Burton Green area, dust-generating activities will comprise demolition and the construction of new structures and earthworks, including the movement of materials along haul roads along the line of the Proposed Scheme, as well as potential dust and mud deposited on to public highways from vehicles travelling to and from construction areas.
- 4.4.6 A construction dust assessment was undertaken for the 12 locations where residential properties are located, at Burton Green Primary School on Hobs Road and at the location of the six ecological receptors, due to their close proximity to the dust generating activities identified. The locations with residential properties were: along the A445 Leicester Lane, north-east of the Proposed Scheme; along the A445 Leicester Lane, south-west of the Proposed Scheme; along the B4113 Stoneleigh Road, Stoneleigh Park; adjacent to the A46 Kenilworth Bypass, Kenilworth; around Dalehouse Lane, Kenilworth; at Dalehouse Farm, Dalehouse Lane, Kenilworth; at Millburn Grange, off the A429 Kenilworth Road, Crackley; along the A429 Kenilworth Road, Crackley; along the A429 Coventry Road; at Birches Wood Farm, Crackley Lane; in Burton Green along Red Lane, Cromwell Lane and Hodgett's Lane; and along the B4101 Waste Lane, Balsall Common.
- 4.4.7 The ecological receptors were: River Avon LWS; Kenilworth Road Spinney LNR) and LWS; Broadwells Wood LWS; Black Waste Wood LWS; Big Poors and Little Poors Wood LWS and Beanit Farm Hedge LWS.
- 4.4.8 Given the application of the mitigation measures set out within the draft CoCP, the construction dust assessment determined that of the locations where residential properties are present the magnitude of impact at properties along the A445 Leicester Lane, south-west of the Proposed Scheme; at Millburn Grange, off the A429 Kenilworth Road; properties in Burton Green along Red Lane, Cromwell Lane and Hodgett's Lane and along the B4101 Waste Lane will be slight adverse (which is not a significant effect), due to the presence of residential properties within 20m of the dust generating construction activities. The magnitude of impact will be negligible at the

other residential locations assessed. At Burton Green Primary School, Hobs Lane the magnitude of impact will be negligible. The magnitude of effect will be negligible at all of the ecological receptors.

- 4.4.9 Overall, the construction dust assessment determined that the air quality effects will not be significant. The basis for this conclusion is presented in full in Volume 5: Appendix AQ-001-018.
- 4.4.10 Construction activity could also affect local air quality through the emissions associated with additional traffic generated on roads as a result of construction traffic routes, temporary road realignments and changes to traffic patterns arising from temporary road diversions. Screening was undertaken to identify locations requiring assessment.
- 4.4.11 Six locations within the Stoneleigh, Kenilworth and Burton Green area met the criteria for more detailed assessment of change in traffic emissions during the construction phase. This assessment found that the predicted increase in construction traffic on the A46 Kenilworth Bypass, A429 Kenilworth Road, A429 Coventry Road and B4101 Waste Lane was sufficient to require assessment of changes in air quality at receptors around these roads. In addition, the proposed temporary road realignment on Cromwell Lane gave rise to the requirement for assessment at receptors around this road. These assessments found that the magnitude of impact will be negligible at all receptors assessed for NO₂ and PM₁₀.
- 4.4.12 Therefore, the effect on air quality due to construction traffic will not be significant. The basis for this conclusion is presented in full in Volume 5: Appendix AQ-001-018.

Permanent effects

- 4.4.13 There are no permanent effects anticipated to arise during construction of the Proposed Scheme.

Cumulative effects

- 4.4.14 There are no cumulative effects anticipated to arise during construction of the Proposed Scheme.

Other mitigation measures

- 4.4.15 No other mitigation measures during construction are proposed in relation to air quality in this area.

Summary of likely residual significant effects

- 4.4.16 The methods outlined within the draft CoCP to control and manage potential air quality effects are considered effective in this location and no residual significant effects are considered likely.

4.5 Effects arising from operation

Avoidance and mitigation measures

- 4.5.1 No mitigation measures are proposed during operation in relation to air quality in this area.