**Leek Wootton & Guy’s Cliffe Neighbourhood Plan**

**Parish Council Responses to Independent Examiner’s Questions**

The Plan’s preparation has overlapped with that of the Warwick District Local Plan 2011-2029. The recent adoption of the Local Plan in September 2017 has implications on the examination of the submitted neighbourhood plan against the basic conditions. This is reflected in several clarification questions in this Note.

In its preparation the Neighbourhood Development Plan had regard to emerging changes to strategic policies and their implications, in line with advice in National Planning Practice Guidance para 009 which sets out that the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions. By aligning the NDP with the (then) emerging new Local Plan the amount of amendment now needed should be limited.

Notwithstanding this, the Parish Council recognises that there may be a need to further refine the policy wording and supporting text in order to fully reflect the adoption of the WDC Local Plan in September 2017. However the Parish Council hopes that these would be edits of detail in alignment and not changes in substantive policy, insofar as is necessary to ensure the NDP is in general in conformity with the adopted Local Plan.

The Parish Council understands that the adopted Local Plan itself reflects the Local Plan Inspector’s final report and the submissions thereto.

Any other adjustments, where necessary, will be made following the conclusion of the Examiner’s Report on the NDP as a whole.

Following are the responses to the individual points requiring clarification:

***Points for Clarification***

***Strategic issues***

I can see from the audit trail and several of the representations that the Plan has now been overtaken by the adoption of the Warwick District Local Plan. Plainly this has an implication on the assessment of the submitted Neighbourhood Plan against the basic conditions in general terms, and its conformity with the strategic policies of the development plan in particular. Policies LW3/5/6/7 are particularly affected by the details of Policy DS22 in the recently-adopted Local Plan.

The Local Plan Policy DS22 superseded the former Submission Draft Policies Map by incorporating the housing allocations H34, H35 and H36 into the larger area encompassed within Policy DSNEW3, the entire Woodcote site.

This **‘incorporation’** did not render the preparatory work on these elements of the larger site irrelevant. Indeed the preliminary “Masterplan”, prepared by Place Partnership on behalf of the Police Authority, in its submission to the Local Plan Inspector, drew heavily upon the Parish Council’s earlier work, by identifying the three sites as the principal areas for new development.

The NDP, as drafted, directly reflects the information submitted to the Inspector by WDC and Place Partnership

The addition of the listed Woodcote Hall, its grounds and redevelopment of the ‘brownfield’ offices and workshop areas make the detailed polices expressed in LW3/5/6/7 all the more important in order to ensure that the character of the overall development is consistent and cohesive within the criteria set out in DS22 (a) to (h).

Are there any elements of those policies and their supporting text that specifically add value and local distinctiveness to policy DS22 of the Local Plan?

The Parish Council contends that as a whole the NDP policies bring a higher level of specificity to DS22.

This “higher definition” is based upon technical evidence and studies undertaken during the preparation of the NDP, detailed local knowledge and responses from public consultation and engagement activity, the historic significance of the site and its context and long-standing discussions with the Police Authority and WDC, in some cases predating the preparation of The Local Plan.

The approach is to bring forward detailed design guidance into planning policies in order to give the principles a greater degree of weight in decision making. The site is highly sensitive and the Parish Council, and local residents, are very concerned that the scale, type and character of new development should aim to respond positively to the significant built and natural heritage assets of the development site.

*Policy LW3 ‘The Lunch’*

This policy is born out of a lengthy dialogue with the Police over the future of the historic woodland and trees, which will not be part of the developed areas of Woodcote. The Parish Council has put detailed proposals to the Police Authority (at their request) suggesting future planning and usage of the woodland and playing fields at Woodcote.

This is entirely consistent with DS22 (g) in the context of how these areas of the site could be managed, once developers have completed their work.

*LW5 Design Guidelines for Historic Site of Woodcote*

The Parish Council is particularly concerned that future development at Woodcote is sensitive to the character and context of the site in terms of the historic assets, and the village of Leek Wootton as a whole, particularly the Conservation Area.

The preparatory work for the NDP was based upon the supporting analysis conducted by AECOM, with particular regard to the scale, relative density and character of new building and its impact upon the heritage assets of the village, especially Woodcote. The AECOM studies conducted in two phases from November 2015 to February 2016 form part of the NDP evidence base and were used to inform NDP Policy LW5 and other policies in the Plan.

This NDP policy is consistent with DS22(a), (c), (d) and (e) but goes further and provides a greater level of detail.

For example, early design concepts, proposed by the advisers to the Police Authority, suggested some multi-storey type housing, which would challenge the concept of open views, as well as being out of character with Woodcote itself and the rest of the village. Although there are many properties within the village that feature dormer-type windows to the first floor, the contemporary architectural trend favouring use of attic space to create three-storey, high-volume, dwellings would not be appropriate to the Woodcote site.

It is also essential that the site is developed with a consistent overarching design to ensure that the schemes proposed for individual areas of the site are designed to form part of a cohesive whole. The policy adds weight to DS22(h) and seeks to overcome any suggestion (already hinted at verbally by the Warwickshire Police and Crime Commissioner) and in previous documentation that sale of the site in lots to different purchasers might be considered.

The policy references to Woodcote house, again, adds much greater specificity to DS22 (a) and (b) and seeks to act as a guide to future planning and development.

*LW6 Former Police Headquarters Woodcote*

In line with the above, this policy brings a higher level of detail to the design principles for individual areas of the site and is based upon strong local understanding of the historic relevance of Woodcote to the rest of Leek Wootton.

The policy does not propose to fetter future designs, simply to ensure individual elements respond appropriately to the highly sensitive context.

It is recognised that the numbers of new dwellings attributed to each area may be too specific in the context of the overall scale of new development at 115 units for the site as a whole. These detailed allocations could therefore be amended to reflect the final details of the Masterplan, however the relative distribution of properties and types is considered valid in the context of Place Partnership’s prior submissions to the Local Plan Inspector, upon which he would have based his report.

It should also be noted that the scale of new development, proposed for Leek Wootton in the Local Plan, represents an increase in new dwellings approaching 33%. This is much higher than that suggested in other ‘Growth Villages’ and above the WDC indicative guideline of 20% (See Inspector’s Report, para. 304) when the Local Plan was in preparation. It is essential therefore that overall development on the Woodcote site is contained at 115 units overall.

Are there elements of the supporting text that are now superseded by the adoption of the Local Plan?

The WDC representation on the NDP highlights the need to bring the NDP up to date, for example replacing the word “emerging” with “adopted”, as would be expected.

Subject to the comments on individual policy statements above, the accompanying text can be edited, where necessary, in line with the adopted Local Plan.

However, this is not to suggest a modification away from the NDP policy principles.

In particular, the Place Partnership (on behalf of the Police Authority) representation on the NDP effectively seeks to rewrite the NDP to suit a new agenda. Notwithstanding a 412-page submission to the Local Plan Inspector, styled as a “Masterplan”, their representation seeks to set the clock to zero, suggesting a new Masterplan to be prepared with WDC. The PC does not consider this acceptable.

The Parish Council is therefore eager to preserve the integrity and local nature of the NDP and the detail of the policies that it is based upon.

*LW7 Car Park East of the Hayes.*

Outline planning consent for five new dwellings on this site, in line with the Local Plan, has recently been granted by WDC. The Parish Council supported this proposal.

However the existing proposal may not be brought forward (for instance if the site changes hands and / or an amended outline or detailed application comes forward) and therefore it is considered appropriate to retain the policy in the NDP.

***General Policy clarification***

Policy LW1- I can see the purpose of the policy. However, is its section 9 effectively a summary of the preceding eight factors? Would it sit better in the supporting text?

Agreed. Section 9 can be deleted and added to the supporting text.

Policy LW2 – Is the existing green infrastructure referred to in the policy that as described in paragraphs 6.1.11-6.1.14 of the supporting text? If so is it shown on a single map? Map 4 appears to refer only to Local Wildlife Sites.

The text sections 6.1.11 to 6.1.14 does indeed describe the existing green infrastructure. Map 4 provides information about local wildlife sites and could be referred to in the first part of the policy. Perhaps the GI part of the policy could be moved to a separate policy, as it stands on its own?

Policy LW3 – Are the proposals deliverable given that negotiations with the Warwickshire Constabulary remain outstanding? Should they be seen within the overall development of a master plan?

The Parish Council first began discussions with the Warwickshire Police Authority, concerning the future of ‘The Lunch’ in July 2011, predating the preparation of the WDC Local Plan. Despite positive indications of a potential transfer of the woodland to WDC/LW&GC PC, the inability of the Police to decide upon their future occupation of part of the site, coupled with the political changes in the oversight of the police force has meant that these discussions have been strung out.

Throughout the intervening period there has been a community interest in better access to the woodland and a clearly stated willingness by the Police and their (then) advisors to consider a transfer of ownership. The Parish Council therefore included a policy in the NDP in good faith that such a scheme was likely to come forward over the plan period.

Lately, however, the advisors to the Police have begun to consider this subject as closely bound up with the development of their Masterplan for Woodcote. They have also begun to regard any transfer of ownership as some form of bargaining counter in the future process of detailed planning and potential Section 106 agreements.

The Parish Council is not prepared to consider the possible creation of a public amenity in this way and will therefore wait to see what proposals are brought forward as part of the Masterplan.

Thus, the language of Policy LW3 should be modified to make the policy more aspirational (as referred to in Section 6.1.18) and less dependent upon the Masterplan, even if part of it.

The reality is, of course, that the Warwickshire Police and Crime Commissioner and the Chief Constable have confirmed that the site is fully deliverable in their submission to the Local Plan Inspector and that is their intention to dispose of it in its entirety (within a matter of months).

It is unlikely that a prospective property developer would want to take on the liability of a tract of woodland, with significant restrictions over its future use for anything other than woodland. The Lunch and ancillary woodland (some 7.6 hectares in total) sits with the Green Belt and virtually all of the trees are the subjects of TPO’s.

Reference is made in the August 2016 Masterplan for Woodcote, prepared by Bilfinger GVA on behalf of the Police, that the plan *“takes account of the aspirations of the emerging Neighbourhood Development Plan”.*  The tenor of the recent representation, however, suggests that this is in some way conditional. [See also below re. Policy LW10]

Policy LW4 – I can see that as submitted the policy would apply to all the proposed development sites. In the context of the preparation of a master plan for the Police HQ site would there be merit and/or clarity in this policy applying only to other smaller developments that may arise as a result of policies LW8/9/10?

The point is taken. The Policy wording and / or title could be amended to improve clarity so that this Policy should be applied to development proposals on sites other than Woodcote.

Policy LW8 – Do criteria 2 and 3 and their references to ‘adequate’ and ‘suitable’ mean ‘in accordance with development plan standards’? If not, how would the policy be applied in an informed and consistent way by the District Council?

Yes, it is intended that ‘adequate’ and ‘suitable’ mean in accordance with the minimum standards established by the WDC Planning Department, the WCC Highways Department and other statutory undertakings concerned with access, as well as the Fire Brigade. Suitable wording could be added to the policy such as "in line with adopted WCC standards".

Policy LW10 – Is there any further information/evidence on the proposed designation of a local green space beyond that in paragraph 6.4.14? How large is the site? What is the current level of public use of the proposed local green space?

The area edged in green on Map 10 has been the subject of ongoing discussions with the Police Authority and their advisors.

The land referred to in paragraph 6.4.14 describes the existing playing fields forming part of the Woodcote estate. These playing fields and associated pavilion, comprising approximately 2.5 hectares, have always been considered as ‘open space’ in preparatory planning work conducted on behalf of the Police. There is currently no public use of the area in question.

The June 2015 “Options Analysis”, prepared by Bilfinger GVA, shows the playing fields as “amenity space” on Fig. 3.4 and, in all options considered for future development, the playing fields form part of the grounds to Woodcote house. They are precluded from development and described as possible ‘planning gain’ (Fig. 3.9 and Table 3.1).

The August 2016 Masterplan document goes further in describing the *“opportunity to deliver housing, community infrastructure and environmental enhancement”.*

The plan on page 8 of this document describes the area in question as ‘parkland”, whilst on page 12 reference is made to the *“use of existing on-site open-space for additional sports/recreational facilities, potentially supported by a multi-purpose building”.*

Most significantly, the Masterplan states (page22) that *“There is potential for wide scale release of the open spaces within the site for recreational use by the wider community, including The Lunch woodland in line with the aspirations of the community as set out in the Draft Neighbourhood Development Plan”.*

These statements and the associated discussions provide the background to the inclusion of the area edged in green as part of the Community Hub. The representations against the NDP, made by Bilfinger GVA on behalf of the Police, are somewhat incongruous in this context.

The area edged in blue on Map 10, totaling 3.98 Hectares, comprises the existing memorial Playing Fields plus an agricultural field to the north. Acquisition (or lease) of this field is currently an aspiration of the Parish Council as part of the NDP. The owner is currently in negotiation with Kenilworth Rugby Club regarding a potential sale/lease of land to the south of the town for a similar conversion of use.

I am separately asking the District Council to seek information from the Warwickshire Constabulary on the current use of the site.

In a meeting held between the Parish Council the Police and Crime Commissioner (03.04.2017) he indicated that it is the intention to vacate the site completely by the end of 2017.

Separately, in a note from the WDC Head of Development to the PC, dated 1st December 2017, it was indicated that there has been no further contact between the PCC, Place Partnership and WDC Planning since the formal examination of the Local Plan in the autumn of 2016.

Policy LW11 – The third paragraph refers to ‘new developments’. Is the policy intended to refer to all schemes irrespective of their size?

Yes. Both of the areas designated in the WDC Local Plan currently suffer from poor pedestrian access. Paragraph 3 should perhaps be amended to include the wording: “For new housing schemes of more than 3 units".

Map 11 would suggest that it is intended to apply to the Woodcote site. If this is the case has the wider issue of traffic generation from that site and its associated mitigation now been addressed in the recently-adopted Local Plan?

In our discussions with WDC Planning and WCC Highways it has always been indicated that the subject of access will be dealt with at the stage of a detailed planning application.

The WDC Local Plan deals with traffic management in a “macro” context but it is clear that individual schemes will require more specific locally related measures.

Policy LW12 – In my view the first and third paragraphs are not land use policies. On this basis I intended to recommend that they are repositioned into a separate part of the Plan in accordance with Planning Practice Guidance. Does the Parish Council have any comments on this approach?

This is noted and your recommendations on how and where this policy is best incorporated will readily be received. The relevant sections could be deleted and added to the supporting text or included in an appendix.

Policy LW15 – There appears to be a disjoint between the supporting text (6.6.4) and the policy itself. The former supports homeworking generally. The latter appears to refer only to homeworking from ‘new housing development’. Please can I be advised on the Parish Council’s intentions on this point?

Your observation is correct. The policy should refer to homeworking generally and not simply to new developments. The wording needs to be amended accordingly.

Appendices III/IV/V – Is this information now redundant following the recent adoption of the Local Plan?

These appendices have been included as part of the ‘body of evidence’ leading up to the submission of the NDP along the tortuous, four-year, evolution of the WDC Local Plan. In view of the latter’s adoption they are now, as you say, redundant and could be deleted.