

3<sup>rd</sup> November 2022

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Dear Sir/Madam,

## The protection of the North Leamington Green Belt for the South Warwickshire Local Plan

We write on behalf of our client, Old Milverton and Blackdown Joint Parish Council, in response to the South Warwickshire Local Plan Scoping and Call for Sites publication in the interest of the North Leamington Green Belt which washes over the Parish.

Following the Council's publication of the Call for site responses, the Joint Parish Council notes that sites which were ultimately excluded from the 2017 Warwick Local Plan have appeared again in the response.

The national policy position of protecting the Green Belt has not changed since 2017. Indeed, the arguments in its favour have strengthened as national and international developments have placed a premium both on outdoor recreational space and self-sufficiency in food production. The Green Belt within Old Milverton and Blackdown fulfil both of these vital functions.

In this representation, we show how the proposed sites meet the purposes of the Green Belt and emphasise that the largest sites are Category 2 (BMV) land which means that development should be avoided so that land can continue to meet food production needs.

We focus on the sites within Old Milverton and Blackdown parish boundaries (165, 174, 210, 211, 526, 529, 531) but wish to point out there are numerous other sites in the Call for Sites report (116, 117, 195, 206, 229, 231) which lie on the Green Belt between Kenilworth and Leamington.

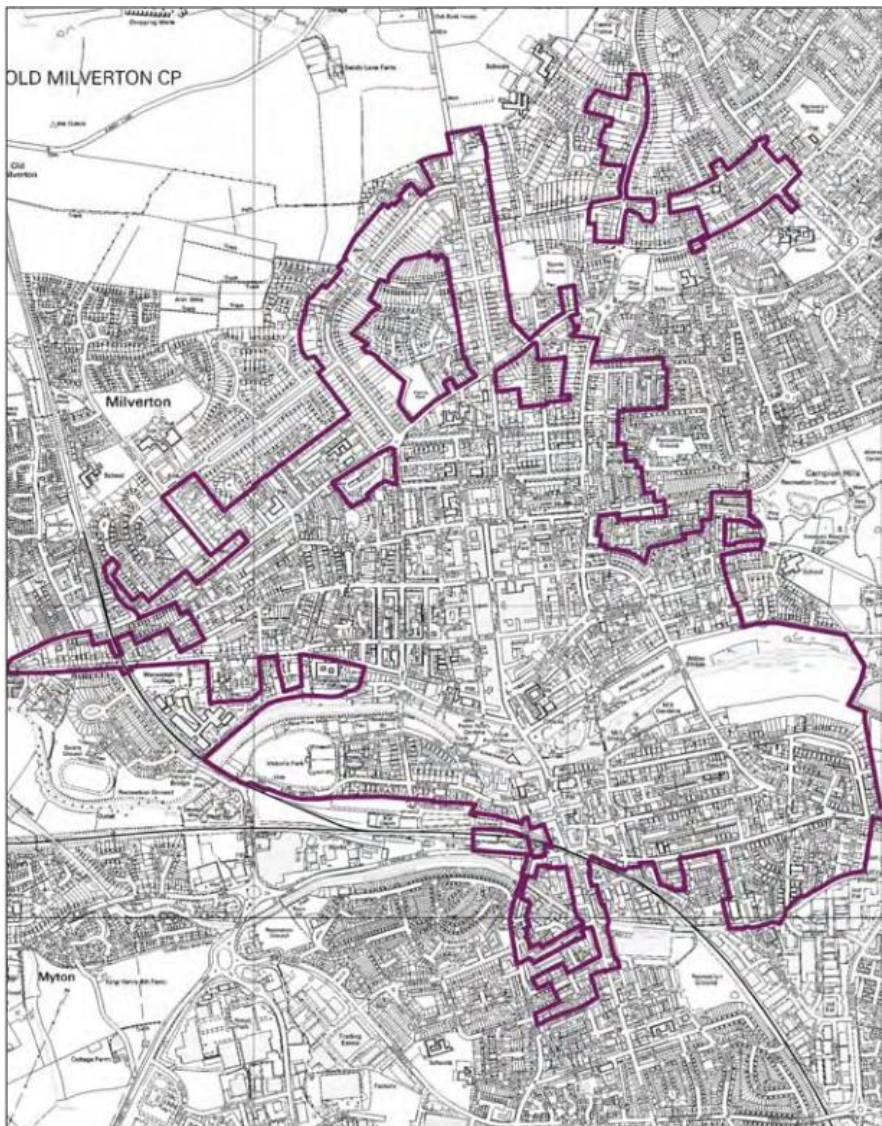
This representation shows that development on these sites would represent significant incursions into the North Leamington Green Belt. If incursions into the Green Belt are going to be considered as part of the Local Plan, then this should be informed by a comprehensive and up-to-date Green Belt Review.

It is noted from the South Warwickshire Local Plan website that a Green Belt review is not currently planned, which would lead us to assume that Green Belt release is not considered a strategic proposition.

This representation reiterates previous representations by the Joint Parish Council in support of the protection of the North Leamington Green Belt, including a response to the Scoping and Call for Sites Consultation (July 2021) which is attached in Appendix A.

**Site Location and Description**

The North Leamington Green Belt washes over the settlements of Old Milverton and Blackdown. The Green Belt sits to the Northwest of the North Leamington Conservation area. An image of the Conservation area is displayed below (See Figure 1).



*Figure 1: North Leamington Conservation area*

Old Milverton and Blackdown are neighbouring parishes to the north of Leamington Spa Town. The Joint Parishes form the northern gateway to the historic, Regency town of Royal Leamington Spa and the southern gateway to Kenilworth, famous for its castle with Elizabethan connections. The medieval castle of Warwick is 3 miles away.

**Relevant Planning Policy**

The current development plan for the site comprises the Warwick Local Plan (2011-2029) adopted in September 2017.

**Policy DS4** sets out the spatial strategy of growth in the Warwick District. The policy aims to focus growth within and adjacent to built-up areas, with the majority of growth being focused on the main urban areas of Warwick, Leamington, Whitnash and Kenilworth, with some growth being directed to the growth villages such as Cubbington.

This spatial strategy also takes the national Green Belt policy into account. It outlines that sites in the green belt will be limited to those locations where exceptional circumstances can be justified. The following will be taken into account in considering exceptional circumstances:

- i. the availability of alternative suitable sites outside the Green Belt;
- ii. the potential of the site to meet specific housing or employment needs that cannot be met elsewhere;
- iii. the potential of the site to support regeneration within deprived areas; and
- iv. the potential of the site to provide support to facilities and services in rural areas.

**Policy DS19** of the adopted Local Plan confirms the Council will apply national guidance within the Green Belt. The fundamental aim of the Green Belt policy is to prevent urban sprawl and keep land permanently open.

**Policy HS2** states that development on, or change of use of open spaces and sports and recreation facilities will not be permitted unless:

- a) an alternative can be provided that is at least equivalent in terms of size, quality, accessibility, usefulness and attractiveness, and a management plan is submitted to ensure the future viability of the provision, or
- b) there is a robust assessment demonstrating a lack of need for the asset currently or in the future. Development of open spaces for sports and recreation purposes will be permitted subject to the proposal being of sufficient benefit to clearly outweigh the loss.

***National Planning Policy Framework***

Since the submission, there has been a revised National Planning Policy Framework ('the Framework') that was issued in July 2021. The most relevant policies are enlisted below:

**Chapter 13** regards the protection of Green Belt Land. Specifically, **Paragraph 137** states that “the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”.

**Paragraph 138** sets out that Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns from merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

**Paragraph 140** states *“once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans”*.

**Paragraph 141** states that once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use.

**Paragraph 147** defines ‘inappropriate development’ as development that is ‘harmful to the Green Belt and should not be approved except in very special circumstances.

**Paragraph 149** sets that that “a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt”. Exceptions to this are:

1. buildings for agriculture and forestry;
2. the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
3. the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
4. the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces;
5. limited infilling in villages;
6. limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

7. limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
  - not have a greater impact on the openness of the Green Belt than the existing development; or
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

The North Leamington Green Belt also has a rich cultural heritage and contains several listed buildings.

## Green Belt Considerations

### ***Joint Green Belt Study***

The most recent review of the North Leamington Green Belt was undertaken in 2015 as part of the evidence base supporting the Warwick District Local Plan. This study assessed the Green Belt in Warwick District council against the five purposes of Green Belts, as set out in the National Planning Policy Framework (NPPF).

The JGBS found that the North Leamington green belt made a considerable contribution to all the purposes of the Green Belt for the reasons set out below:

- “Checking the sprawl of Royal Leamington Spa, Kenilworth and Coventry.
- Preventing the merging of neighbouring towns in the long term, particularly Royal Leamington Spa and Kenilworth and Kenilworth and Coventry.
- Safeguarding the countryside, including a number of large woodlands, such as Ryton Wood.
- Preserving the setting and special character of the historic towns of Royal Leamington Spa, Kenilworth and Coventry.
- Assisting urban regeneration by encouraging the recycling of derelict and other urban land across the West Midlands.”

Additionally, the JGBS highlighted that there were particular green belt parcels found within Old Milverton and Blackdown Parish Council (Parcel numbers; RL1, RL2 RL3, WA6) that were considered to be “Higher-performing Green Belt parcels”. These parcels were deemed to contribute well to the purposes of the Green Belt and have been resubmitted to the Local Plan Review process as available for development under Land Parcel Reference: 174, 211, 526 and 531.

It is our considered view that nothing has changed to alter the conclusions of the JGBS in 2015.

***Protecting Green Belt Land***

Further to this, the Framework also states that before considering releasing land from the Green Belt, Councils will be required to demonstrate that exceptional circumstances exist to justify changing the Green Belt boundary. This will be accessed through the examination of strategic policies but should consider all other reasonable options for meeting identified needs. These include:

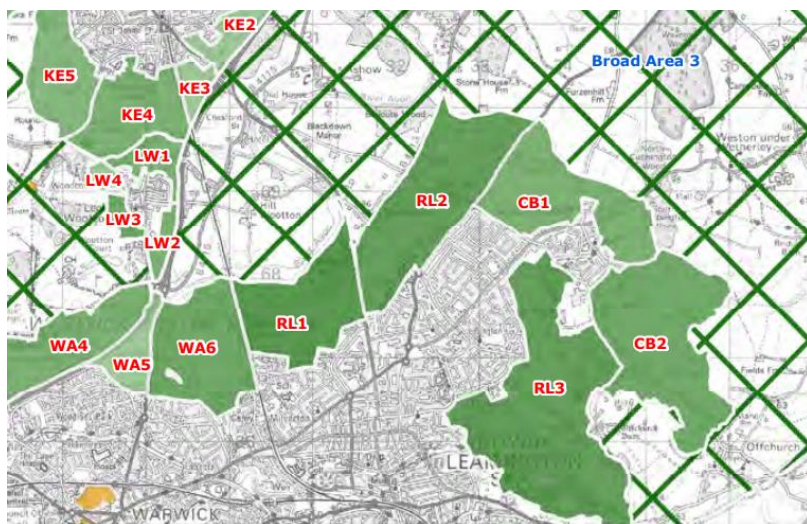
- Making as much use as possible of suitable brownfield sites and underutilised land;
- Optimising the density of developments; and
- Discussions with neighbouring authorities to ascertain whether they could accommodate the identified need.

We note that in selecting sites on the edge of urban areas, the adopted plan favoured non-Green Belt over Green Belt sites where possible. However, where there were no suitable non-Green Belt alternatives, sites were removed from the Green Belt to enable development to take place. This applied to land to meet the needs of Kenilworth, some of the villages and land on the edge of Lillington to assist in the regeneration of the area.

***Purposes of the Green Belt***

The Parish wishes to highlight Paragraph 138 in the National Planning Policy Framework which identifies five purposes of Green Belt land. These are assessed against the role of the North Leamington Green Belt. Following this initial assessment of the North Leamington Green Belt, this representation assesses individual parcels of land known as Parcels 116, 174, 211, 526 and 531 which have all been identified as land available within the Call for Sites process.

An overview of the Green Belt’s land parcels is presented within the JGBS and is highlighted in Figure 2 below:



*Figure 2: Site in the JGBS*

**Purpose A - To check the unrestricted sprawl of large built-up areas**

The majority of the North Leamington Green Belt is open green space and agricultural fields. The Green Belt borders the edge of North Leamington Spa and helps to prevent any further development from encroaching into the countryside and prevents urban sprawl.

Currently, there is no strong defensible boundary to the Green Belt apart from the existing urban edge of Leamington Spa. If the future South Warwickshire Local released this land from the Green Belt, then it is challenging to see how a new defensible boundary could be introduced to prevent harm to the openness of this landscape and prevent development sprawl.

It is our view that this Green Belt still contributes to the prevention of urban sprawl which is an important role for any site in the Green Belt.

**Purpose B - To prevent neighbouring towns from merging into one another**

It was acknowledged in the Joint Green Belt Study 2015 that the green belt plays a crucial role in preventing the merging of neighbouring towns. This Green Belt helps to prevent Leamington Spa and Kenilworth, as well as potentially hindering the rural tranquillity within the rural area including villages like Old Milverton and Black Down.

This is supported by the findings in the West Midlands Joint Green Belt Study 2015 which confirmed that the Green Belt is particularly important because it remains an appropriate gap between Leamington and Kenilworth to the north ensuring the character of each retained and the settlements will not merge into one another. Paragraph 4.19 highlights that the North Leamington Green belt contains high-performing parcels which help to prevent the long-term merging of settlements in the vicinity.

If the future South Warwickshire Plan alters any of the Green Belt land then it is likely that development will have a significant adverse impact on the landscape qualities of the Green Belt and contribute to the coalescence of a number of settlements.

It is clear from previous evidence and the proximity of nearby settlements that the Green Belt complies with Paragraph 138 criterion b) of the NPPF.

**Purpose C - To assist in safeguarding the countryside from encroachment**

The North Leamington Spa Green Belt is open, and its designation safeguards the surrounding countryside from the encroachment of development. This is supported by the findings of the JGBS. Therefore, this North Leamington Green Belt complies with Paragraph 138 criterion c) of the NPPF as it serves to assist in safeguarding the countryside from encroachment.

**Purpose D - To preserve the setting and special character of historic towns**

Allocating land in this Green Belt could affect the setting and special characteristics of historic settlements including Old Milverton and Blackdown. This is supported by the findings in the West Midlands Joint Green Belt Study 2015. Paragraph 4.21 outlines that the green belt parcels bordering Rugby, Warwick and Royal Leamington Spa contribute to the setting and special character of these historic towns (by virtue of good intervisibility with the historic cores).

Furthermore, it is important to note that the Countryside Agency's Character of England Map identifies North Leamington as being located within the Arden Landscape Character Area. This is an area of former wood pasture and ancient farmlands which lies on the eastern side of the Birmingham plateau. The Coventry Joint Review 2009 of Green Belt land outlined that *'Although there are few dramatic physical features, the Arden countryside is considered to have a historic character.* Therefore, allowing development in the Green Belt could significantly impact the historic landscape character of several settlements.

Given the above, it is considered that the removal of land from the Green Belt will affect the purpose of preserving the setting and special character of historic villages and historic buildings, and, in turn, cause damage to their historic landscape.

**Purpose E - To assist urban regeneration by encouraging the recycling of derelict and other urban land**

To fully assess this role, a detailed understanding of previously developed land that is available for development should be fully explored before considering the release of any land from the Green Belt.

**Comments on Representations made on the North Leamington Green Belt**

As highlighted above, this section assesses specific sites (174, 211, 526 and 531) that have been submitted as available as part of the Council's Call for Sites consultation.

***Site 174 - Land at Blackdown, north of Leamington Spa***

Site 174 is found in the southeastern corner of Old Milverton and Blackdown parish boundary. This site is located with Green Belt Parcel RL2 which is considered to be a "Higher-performing Green Belt parcel". Therefore, allowing development in this area would conflict with the purposes of the Green Belt and remove a high-level green belt parcel. A map of the site is shown in Figure 3 below



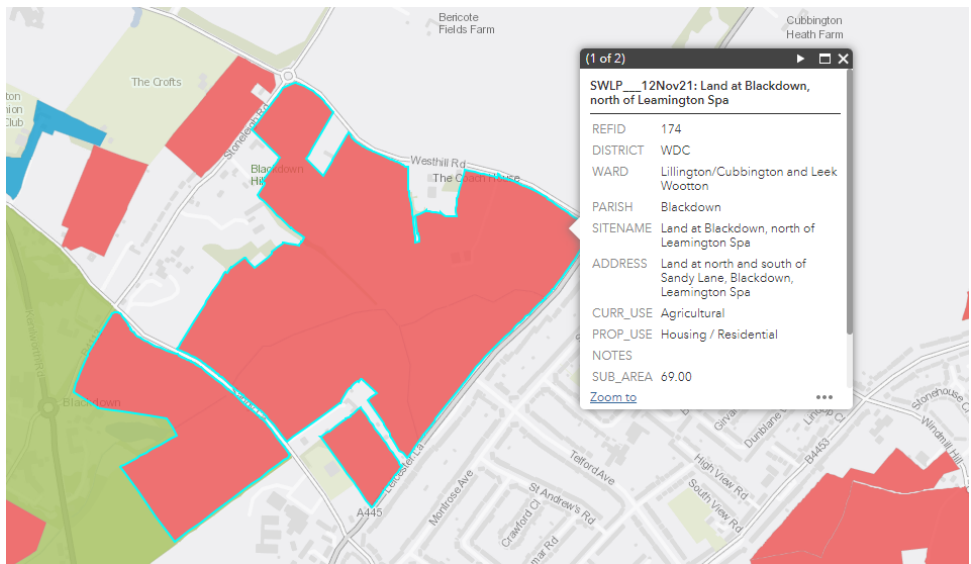


Figure 3: Site 174 - Land at Blackdown. north of Leaminaton Spa

Allocating site 174 for residential development would lead to large unrestricted sprawl from the North of Leamington Spa and could lead to the merger of Blackdown Village with North Leamington. In addition, the visual impact of allocating development at Site 174 would be noticeable within the parish boundary and from the surrounding roads, lanes and footpaths, creating a localised loss of openness. Furthermore, this impact will not diminish the further one is from the site as the wider visual context of Old Milverton and Blackdown is entirely open. Therefore, allocating development in this area would lead to a high degree of impact on the openness of the Green Belt.

In addition, site 174 is located at the edge of Old Milverton and Parish Boundary and would lead to significant encroachment into the countryside and would therefore conflict with purpose c) of NPPF Paragraph 138.

Furthermore, Site 174 comprises Grade 2 agricultural land, which is considered to be the best and most versatile land. Paragraph 174 of the Framework seeks to protect against the loss of the best and most versatile agricultural land, and Paragraph 175 (footnote 58) illustrates where ‘significant development’ occurs there should be justification for this. It is the Parish Council’s opinion that this land could be used for crop production to self-service the surrounding area given the current geo-political circumstances.

Finally, allocating residential housing at site 174 would significantly impact the important views into the historic cores of Royal Leamington Spa such as the conservation area found at North Leamington found south of the site.

**Site 211 - Land West of Stoneleigh Road, Blackdown, Leamington Spa**

Site 211 is found to the northeast of Old Milverton and Blackdown parish. Like Site 174 above, this site is located with Green Belt Parcel RL2 a “parcel deemed to contribute well to the purposes of the Green Belt”. Therefore, it is

considered that allowing development in this area would conflict with the purposes of the Green Belt and remove a high-level green belt parcel (See Figure 4 below).

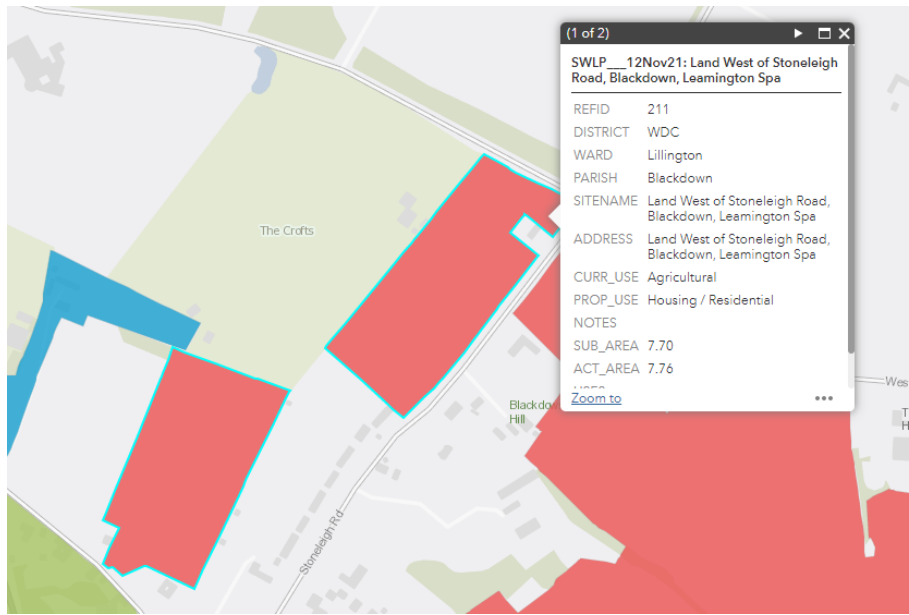


Figure 4: Site 211 - Land West of Stoneleigh Road Blackdown,

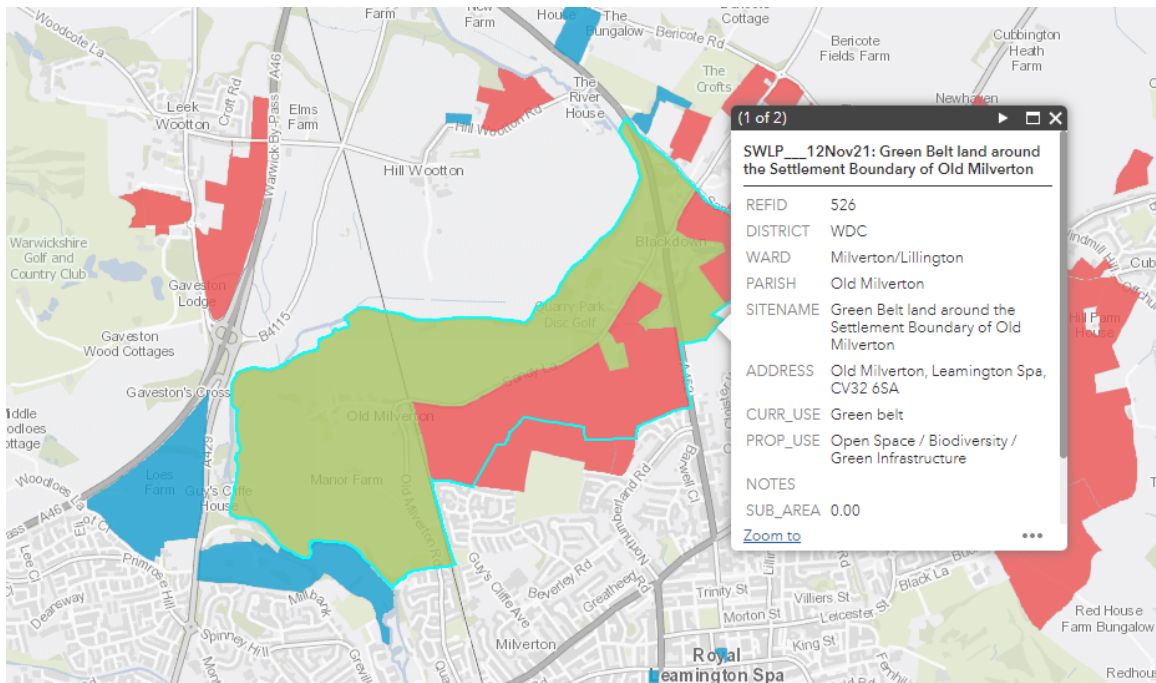
The Parish Council does not support allocating site 211 for residential development because it would be contrary to policies on Green Belt. In particular, it is felt that allocating development here would lead to the encroachment of the Green Belt around Blackdown village and would lead to significant landscape harm. In addition to this, Site 211 contains Grade 2 agricultural land.

As highlighted in our response to site 174 above, the NPPF seeks to protect the Grade 1,2 and 3 lands which are considered the best and most versatile agricultural land. In particular, Grade 2 agricultural land is classified along with Grade 1 agricultural land as a scarce resource. We and the Parish Council believe that before the development of Grade 1 and 2 lands, other sites within the county of a lower Grade should be considered first for any future development to protect this scarce resource for future generations. Additionally, together, Grade 1 and 2 agricultural land make up 21% of the agricultural area in England. It is an extremely scarce resource across England so therefore we believe that this type of land should be conserved in South Warwickshire and used for other means such as food production.

Like with Site 174, the visual impact of allocating development at Site 211 would be noticeable within Blackdown Village and from the surrounding roads, lanes and footpaths, creating a localised loss of openness. Therefore, it is considered that allocating this site for development would lead to a major impact on the Green Belt and conflict with Paragraph 138 of the NPPF.

**Site 526 - Green Belt land around the Settlement Boundary of Old Milverton**

Site 526 is situated inside the Old Milverton and Blackdown parish boundary. This site sits Green Belt Parcels WA6, RL1 and RL2 around Warwick (See Figure 5 below). The site sits to the north of the North Leamington Conservation area.



*Figure 5: Site 526- Green Belt land around the Settlement Boundary of Old Milverton*

Site 526 has been made available for open space and green infrastructure after the South Warwickshire consultation. Whilst we acknowledge that there are current policies to support open space development in the Green Belt, this land already provides open space and recreational opportunities to local residents as it is crossed by a number of public footpaths. Use of these footpaths increased markedly during the Covid 19 Pandemic and continues.

The footpaths cross Category 2 (BMV) agricultural land. Recent geopolitical events have placed a new focus on the importance of self-sufficiency in food production and this land makes a contribution to that aim.

As such, it is considered that allocating this site would lead to damage to food production capacity, with no overall gain for 'open space development'.

We advise that the South Warwickshire Plan ensures that the Parish Boundary is protected to avoid coalescence and significant landscape harm. This point is supported by the technical evidence for the Warwick Local Plan and the Coventry Joint Review 2009 of the Green Belt land around Warwick. It was recognised that this part of the

Green Belt played an important contribution towards restricting sprawl from the North of Leamington Spa. This was further reiterated in the JGBS 6 years later in 2015.

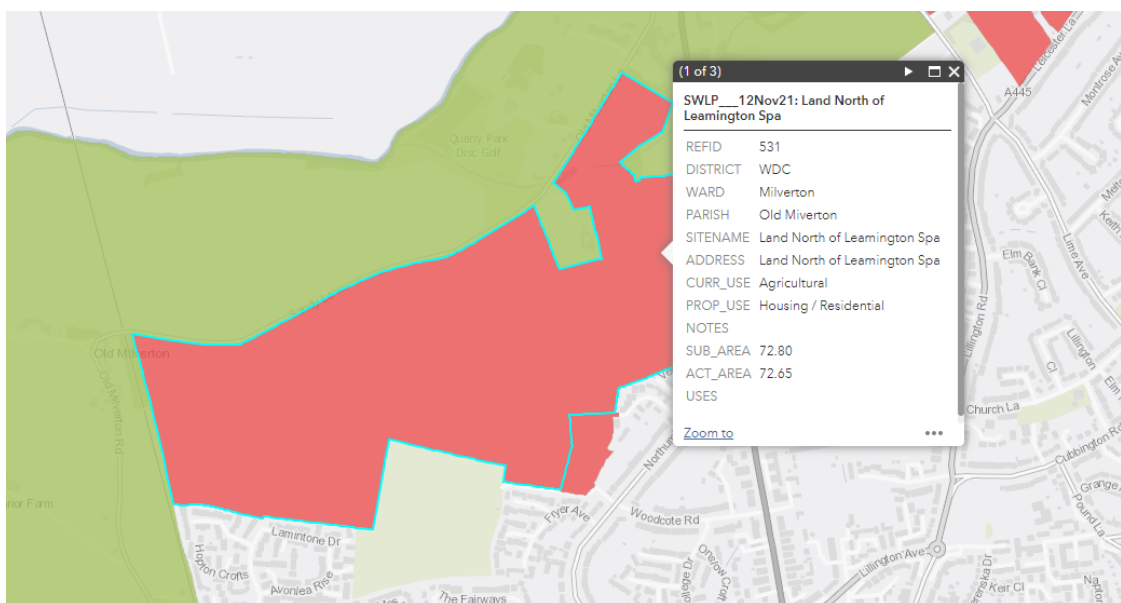
The Green Belt parcels that are relevant to site 526 (Parcel References: RL1, RL2 RL3, WA6) are identified in the JGBS as having important views into the historic cores of Royal Leamington Spa. The report outlined that these parcels were of high importance and should be preserved.

Additionally, we would like to highlight the Planning Inspector's comments that relate to the importance of this land in terms of character and appearance in his written examination of the Warwick Local Plan in Paragraph 201. This is stated in full below:

*“Development of the land in question would involve a substantial expansion of the built-up area into currently open countryside to the north of Leamington Spa. It would have a significant adverse impact on the openness of the Green Belt and the character and appearance of the area.”*

**Site 531- Land North of Leamington Spa**

Site 531 is found to the south of Old Milverton and Blackdown parish boundary, adjacent to North Leamington. (See Figure 6 below). Site 531 sits to the north of the North Leamington Conservation area.



*Figure 6: Site 531- Land North of Leamington Spa*

The Parish Council strongly oppose allocating site 531 for development as it would conflict with the main purposes of the Green Belt.

Firstly, this site is located with Green Belt Parcel RL1 which is considered to be a “Higher-performing Green Belt parcel”. This parcel was deemed to contribute well to the purposes of the Green Belt. Therefore, allowing development in this area would conflict with the purposes of the Green Belt and remove a high-level green belt parcel.

In addition, allocating development in this area would lead to the unrestricted sprawl from the North of Leamington Spa and therefore impact the rural area impacting the boundary of the Old Milverton and Blackdown Parish designation area. If development is allocated at this site, then it is challenging to see how a new defensible boundary could be introduced.

In terms of agricultural land quality, the Green Belt land found in Site 531 comprises Grade 2 and Grade 3a agricultural land (except for a minor strip of Grade 3B) and is, therefore, considered to be a scarce resource with a degree of quality. As mentioned previously, the government seeks to protect against the loss of this land from development, especially in areas where there is Grade 2 Agricultural land which is considered to be a scarce resource.

In addition, Site 531 is located at the edge of Leamington Spa and would lead to significant encroachment into the countryside and would therefore conflict with purpose c) of NPPF Paragraph 138.

Finally, allocating residential housing at site 531 would lead to a loss of the significant important views into the North Leamington Conservation Area found immediately south of the site. Therefore, it would conflict with purpose d) of NPPF Paragraph 138.

**Summary**

Overall, it is considered that allocating residential development at any of the sites presented above would involve a substantial expansion of the built-up area into the currently open countryside to the north of Leamington Spa and would be contrary to the aims and objectives of the Green Belt. It would also remove the best and most versatile (BMV) agricultural land, in turn reducing our capacity for self-sufficiency in food production. Therefore, it is considered that the representations that have been put forwards represent an inappropriate form of development which is harmful to the fundamental aims and purposes of the Green Belt.

Finally, if incursions into the Green Belt are going to be considered as part of the development then this should be informed by a comprehensive and up-to-date Green Belt review.

We note from the South Warwickshire Local Plan website that a Green-Belt review is not currently planned as part of the evidence for the Local Plan which would lead us to assume that Green Belt release is not considered a strategic proposition.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Giles Brockbank', is written over a vertical line that extends from the top of the signature down to the text below.

**Giles Brockbank MRTPI**  
**Partner**  
**For Ridge and Partners LLP**