

Consultation on Proposed Modifications (2016) Response Form

For Official Only	
Person ID	
Rep ID	

Please use this form if you wish to support or object to the Proposed Modifications

This form has two parts:

- Part A – Personal Details
- Part B – Your Representations

If your comments relate to more than one proposed Modification you will need to complete a separate Part B of this form for each representation.

This form may be photocopied or alternatively extra forms can be obtained from the Council's offices or places where the Modifications have been made available (see the table below). You can also respond online using the Council's e Consultation System, visit: www.warwickdc.gov.uk/newlocalplan

Please provide your contact details so that we can get in touch with you regarding your representation(s) during the examination period. Your comments (including contact details) cannot be treated as confidential because the Council is required to make them available for public inspection. If your address details change, please inform us in writing. You may withdraw your objection at any time by writing to Warwick District Council, address below.

All forms should be returned by 4.45pm on Friday 22 April 2016

To return this form, please deliver by hand or post to: Development Policy Manager, Development Services, Warwick District Council, Riverside House, Milverton Hill, Leamington Spa, CV32 5QH or [email: newlocalplan@warwickdc.gov.uk](mailto:newlocalplan@warwickdc.gov.uk)

Where to see copies of the documents:

Copies of the proposed Modifications, updated Sustainability Appraisal and all supporting documents are available for inspection on the Council's web site at www.warwickdc.gov.uk/newlocalplan and also at the following locations:

- Warwick District Council Offices, Riverside House, Milverton Hill, Royal Leamington Spa;
- Leamington Town Hall, Parade, Royal Leamington Spa
- Warwickshire Direct Whitnash, Whitnash Library, Franklin Road, Whitnash
- Leamington Spa Library, The Pump Rooms, Parade, Royal Leamington Spa
- Warwickshire Direct Warwick, Shire Hall, Market Square, Warwick
- Warwickshire Direct Kenilworth, Kenilworth Library, Smalley Place, Kenilworth
- Warwickshire Direct Lillington, Lillington Library, Valley Road, Royal Leamington Spa
- Brunswick Healthy Living Centre 98-100 Shrubland Street, Royal Leamington Spa
- Finham Community Library, Finham Green Rd, Finham, Coventry, CV3 6EP

Part A - Personal Details

	1. Personal Details*	2. Agent's Details (if applicable)
Title	Mr	
First Name	David	
Last Name	Williams	
Job Title (where relevant)		
Organisation (where relevant)		
Address Line 1		
Address Line 2		
Address Line 3		
Address Line 4		
Postcode		
Telephone number		
Email address		

3. Notification of subsequent stages of the Local Plan

Please specify whether you wish to be notified of any of the following:

The submission of the Modifications to the appointed Inspector

Yes No

Publication of the recommendations of any person appointed to carry out an independent examination of the Local Plan

Yes No

The adoption of the Local Plan.

Yes No

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Part B - Your Representations

Please note: this section will need to be completed for each representation you make

4. To which proposed Modification to the Submission Plan or the updated Sustainability Appraisal (SA) does this representation relate?

Modification or SA:	General comment and specific modification:
Mod. Number:	Mod 10
Paragraph Number	Policy DS11 Appendix B schedule of modifications
Mod. Policies Map Number:	H46A Gallows Hill

5. Do you consider the Local Plan is :

5.1 Legally Compliant? Yes No

5.2 Sound? Yes No

6. If you answered no to question 5.2, do you consider the Proposed Modification is unsound because it is not:

(Please tick)

Positively Prepared:

Justified:

Effective:

Consistent with National Policy:

7. Please give details of why you consider the Proposed Modifications to the Submission Warwick District Local Plan are not legally compliant or are unsound. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Proposed Modifications, please also use this box to set out your comments.

1. The proposed modifications may address the shortcomings of the local plan which were identified by the Inspector in his letter dated June 2015 which followed his examination dealing primarily with the numbers of houses to be provided in the new plan. That examination did not deal with many other aspects of the plan to which objections were submitted, and the new plan does nothing to address these shortcomings which alone may be considered significant enough to make the plan unsound. Therefore, the original objections of the Save Warwick Group and others must still stand and cannot be omitted from any further examination of the plan.

A feature of the previous plan was that it was justified by unaffordable transport proposals that were subject to serious objections as they were considered unworkable in a peer review by transport planning consultants and considered inappropriate for an important heritage area by what was then English Heritage. The impact of the new development areas (including those permitted under recent planning consents) on transport plans has not been satisfactorily explained nor exposed to public scrutiny and, hence, must still be regarded as unsound.

See continuation sheet

8. Please set out what change(s) you consider necessary to make the Proposed Modifications to the Submission Warwick District Local Plan legally compliant or sound, having regard to the test you have identified at Question 5 above where this relates to soundness. You will need to say why this change will make the Local Plan/Sustainability Appraisal legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

1. Because the examination of the plan last year took evidence on (and only considered) the housing numbers to be planned for, the examination process will be flawed unless the next stage of examination a) takes account of the previous objections and b) How the changes in the plan now being considered address the justifiable concerns of those making representations to the previous plan.

Unless these are dealt with the plan examination process will be fundamentally flawed because of the lack of consideration given to original representations and to how they have been addressed in the current plan.

A key concern of those making representations previously was the recognition that the transport plans which were provided as part of the evidence base to justify the plan were unworkable. Evidence of this was provided in support of our representations on the previous version of the plan. The most serious concern was that the impact of the developments then proposed would seriously increase the through traffic to Warwick, consequently increasing congestion and delay - and hence increasing the levels of pollution in the town centre which are already at illegal levels and which the Council is legally obliged to work towards reducing. The new plan does nothing to address these concerns and is putting forward proposals that will increase the levels of traffic in the worst affected areas without having any workable plans that address the problems they create.

(see continuation sheet)

Continue on a separate sheet if necessary

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested changes, as there will not normally be a subsequent opportunity to make further representations. Further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

Continuation of my response to section 7

2. The inspector into the appeal against the proposed development at the Asps supported objectors and Warwick District Council and agreed the importance of ensuring there should be no new development adjoining the Banbury Road on the southern approach to Warwick because of its potential impact on the settings of the Grade 1 listed Warwick Castle Park, the Grade 1 listed Warwick Castle and the Warwick Conservation Area. This was consistent with the position taken by the Council when a planning application was submitted for 250 houses on this site. (Ref. No: W/13/1434). The application was withdrawn following the planning officer informing the applicants that they would be recommending refusal of the application for the damage the development would do to the heritage assets of Warwick and that their decision was influenced by the representations of English Heritage - who opposed the application (letter from Nick Molineux dated 3rd November 2013) and this view was consistent with that expressed in the more strategic views of the impact of development on the setting of Warwick Castle and Warwick Castle Park expressed in the English Heritage letter to WDC (Rohan Torkildsen, dated 23rd July 2013).

To an extent the developers of the Asps recognised the potential impact of their development in their original application by leaving a broad marginal landscaping strip between their development and the Banbury Road. In the event, the development was permitted by the Secretary of State who, despite accepting the Inspector's view of the importance of the "heritage" and landscape factors, decided against the inspector's recommendation to reject the appeal, and agreed to the development on the basis, primarily, that (in the absence of an adopted local plan and a five years housing land supply) satisfying the predicted demand for housing should take precedence.

Now, however, the anticipated demand for housing can be met within the new plan. It is therefore the responsibility of the planning authority to take note of the inspector's comments and take the opportunity to safeguard and protect the important heritage areas of Warwick from further harm by excluding, in particular, this area from development. For this reason we object to the allocation for housing of the land west of Banbury Road and at the northern end of Gallows Hill, known as "The Strawberry Field." (much of which is, in any case, liable to flooding) - a development which would be even more damaging than the Asps to the setting of the heritage assets referred to above.

Councillors and officers should be aware that the importance of this area to the heritage area of Warwick has been consistently logged with the District Council and that Councillor Mobbs, being aware of the understandable concerns of Warwick residents and the Town Council at the amount of development imposed on their area assured a number of key individuals that the new plan would not propose any additional areas for development South of Warwick - which this site plainly is.

Continuation of my response to Section 8

2. The Council's proposals reflect an inconsistency in policy on the part of the Council and also disregard the judgment of the Inspector at the Asps appeal that recognised the importance to the settings of Warwick Castle Park, Warwick Castle and the Warwick Conservation Area of maintaining the "rural" approach to Warwick. The area is part of this approach and is indeed the key site whose loss would irreversibly ruin the last vestiges of the rural southern approach to Warwick which provides an essential feature of the character of Warwick's conservation area and forms part of the context of Warwick Castle Park, Warwick Castle and the 300 plus listed buildings of the conservation area.

The solution of this problem is to delete this area of land from the proposals for development.

9. If your representation is seeking a change, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

10. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Continue on a separate sheet if necessary

Please note: This written representation carries the same weight and will be subject to the same scrutiny as oral representations. The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

11. Declaration

I understand that all comments submitted will be considered in line with this consultation, and that my comments will be made publicly available and may be identifiable to my name/organisation.

Signed:

David S Williams, MRTPI (ret.)

Date:

22 April 2016

Copies of all the comments and supporting representations will be made available for others to see at the Council's offices at Riverside House and online via the Council's e-consultation system. Please note that all comments on the Local Plan are in the public domain and the Council cannot accept confidential objections. The information will be held on a database and used to assist with the preparation of the new Local Plan and with consideration of planning applications in accordance with the Data Protection Act 1998.

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