

Publication Draft Representation Form 2014

For Official Only	
Person ID	
Rep ID	

This consultation stage is a formal process and represents the last opportunity to comment on the Council's Local Plan and accompanying Sustainability Appraisal (SA) before it is submitted to the Secretary of State. All comments made at this stage of the process are required to follow certain guidelines as set out in the **Representation Form Guidance Notes** available separately. In particular the notes explain what is meant by legal compliance and the 'tests of soundness'.

This form has two parts:

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

If you are commenting on multiple sections of the document, you will need to complete a separate Part B of this form for each representation on each policy.

This form may be photocopied or alternatively extra forms can be obtained from the Council's offices or places where the plan has 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 received by **4.45pm on Friday 27 June 2014**

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

Where to see copies of the Plan

Copies of the Plan are available for inspection on the Council's web site at www.warwickdc.gov.uk/newlocalplan and 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

Where possible, information can be made available in other formats, including large print, CD and other languages if required. To obtain one of these alternatives, please contact 01926 410410.

Part A - Personal Details

	1. Personal Details*	2. Agent's Details (if applicable)
Title	Mr	
First Name	David	
Last Name	Ellwood	
Job Title (where relevant)		
Organisation (where relevant)		
Address Line 1	Cornwall Buildings	
Address Line 2	45 Newhall Street	
Address Line 3	Birmingham	
Address Line 4		
Postcode	B3 3QR	
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 Local Plan for independent examination	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Publication of the recommendations of any person appointed to carry out an independent examination of the Local Plan	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
The adoption of the Local Plan.	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

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Part B - Your Representations

Please note: this section will need to be completed for each representation you make on each separate policy.

4. To which part of the Local Plan or Sustainability Appraisal (SA) does this representation relate?

Local Plan or SA:	Local Plan
Paragraph Number:	The Policy, paragraphs 2.69 to 2.75 and the References after paragraph 2.87.
Policy Number:	DS16: Sub-Regional Employment Site.
Policies Map Number:	8: Baginton, Bubbenhall and Coventry Airport

5. Do you consider the Local Plan is :

5.1 Legally Compliant?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
5.2 Complies with the Duty to Co-operate?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
5.3 Sound?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

6. If you answered no to question 5.3, do you consider the Local Plan and/or SA unsound because it is not:

(please tick that apply):

Positively Prepared:	<input checked="" type="checkbox"/>
Justified:	<input checked="" type="checkbox"/>
Effective:	<input checked="" type="checkbox"/>
Consistent with National Policy:	<input checked="" type="checkbox"/>

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7. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

1. The Explanation supporting this Policy refers to the fact that Coventry and Warwickshire Local Enterprise Partnership ("LEP") has selected the site to the North and South of Coventry Airport, known as Coventry and Warwickshire Gateway, as its priority site for a major employment site for the LEP Sub-region.

Without the development of this site, the LEP says, it will be unable to meet its expected overall employment growth. All other sites, or combination of sites, present, planned or windfall, in Coventry and Warwickshire are thereby condemned as a failure in those terms.

2. The Explanation, paragraph 2.69, refers to economic aspects of the National Planning Policy Framework ("NPPF"). It does not mention that the whole of the site is in the Green Belt and the consequent presumption against development and the need to prove exceptional circumstances.

Neither does the Policies Map make that clear because it shows the bulk of the site as not being in the Green Belt. That is because it reflects also the DS19 Policy to remove it. I oppose that Policy on the same

Continued ...

Continue on a separate sheet if necessary

8. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at 7. above where this relates to soundness. (Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan 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.

My Objection to this Policy is fundamental and no modification of it would be acceptable.

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 modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. **After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues** he/she identifies for examination.

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WARWICK DISTRICT COUNCIL LOCAL PLAN
PUBLICATION DRAFT REPRESENTATION FORM 2014

DAVID A ELLWOOD

REPRESENTATION ON POLICY DS16: SUB-REGIONAL EMPLOYMENT SITE

CONTINUATION SHEET

BOX 7, CONTINUED

Paragraph 2, Continued

grounds as this one, with additional paragraphs.

3. The Local Plan Publication Draft, paragraph 1.38, sets out various documents which it says the evidence includes but says that “the full evidence underpinning the Plan’s policies and proposals are (sic) set out on the Council’s website.”

The Publication Draft Local Plan, paragraphs 2.26 and 2.71, refer to a Joint Employment Land Review, carried out for the LEP on behalf of all its local authorities. The References following paragraph 2.87 refer to it as being dated March 2014.

Those facts suggest that it should be fundamentally relevant to the designation in the Local Plan of a sub-regional employment site. However, it does not appear on the Council’s website. Enquiry of the Council has revealed that the LEP commissioned it from Atkins. It has not been published because it has not been completed. Nevertheless, reference has been made to it.

At least two consequences flow from the document’s absence:

- (1) It clearly cannot have been consulted on as part of this Consultation, rendering the Consultation defective as being contrary to the principle of community involvement and the requirements of natural justice; and
 - (2) The decision to designate the site as a Sub-Regional Employment Site must rely on the Reports of GL Hearn prepared in connection with the Applications for Planning Permission for the site.
4. Those Applications for Planning Permission for the Coventry and Warwickshire Gateway site were submitted to Coventry City Council (The A45 road falls within its area) and Warwick District Council in September 2012. The Secretary of State called the Applications in in 2013 and a Public Inquiry extended over 16 days in April and May 2014.

The Applications were strongly opposed by the three Parish Councils most affected, The Community Group, CPRE and others, including me, supported by over 1,000 Objections.

The GL Hearn “Studies” prepared in connection with those Applications considered 17 or 18 alternative sites for a Technology Park and a similar number for a Logistics Park. They focused, though, on the one Application and did not address the needs of the area as a whole. As will appear below, they did do so in the Employment Land Review Updates referred to in paragraph 5 below.

I also set out, in paragraph 12 below, events at the time of the preparation of Hearn’s second Report, delivered to the Council on 8th May 2013.

Paragraph 2.75 dismisses the “local concerns and issues to be resolved, not least that the development of the site would impact upon adjacent communities” by saying that the Application submitted to the Council has shown, and “the Council’s support for the allocation is therefore informed by a clear understanding of how such a major development could be delivered.”

The strong opposition of those noted above over the duration of a 16 day Public Inquiry should have informed the LEP and the Council that it would be premature and presumptuous to designate this 308 hectares (the figure quoted by all throughout the Planning Application) Green Belt site for major industrial and commercial development in advance of the Secretary of State’s decision. To do so without even the Joint Employment Land Review in the circumstances to which I refer in the following paragraphs demonstrates breathtaking arrogance.

5. GL Hearn prepared in 2013:

(1) The Warwick District Employment Land Review Update, May 2013.

At paragraph 9.7, they say:

“There is demand for strategic warehouse/ logistics floorspace development at a subregional level, however **where this is met needs to be considered through sub-regional working across local authorities.**”

(2) The North Warwickshire Borough Council Employment Land Review Update, September 2013

At paragraphs 2.37 et seq, they consider the Black Country and Southern Staffordshire – Regional Logistics Site Study published in April 2013 and say, at paragraph 2.39:

“Importantly, the study recognises that **the arising demand** is capable of being satisfied by any location in the Midlands which is well served by road and rail. It **need not be specifically satisfied within the Black Country/South Staffordshire area, let alone within a particular local authority.**”

6. The NPPF, paragraph 160, makes clear that:

“Local planning authorities should have a clear understanding of business needs within the economic markets operating in and across their area. To achieve this, they should:

work together with county and neighbouring authorities and with Local Enterprise Partnerships to prepare and maintain a robust evidence base to understand both existing business needs and likely changes in the market.”

While Hearn’s approach reflects the NPPF’s requirement, the LEP’s approach flies in the face of it by reaching its decision in advance of the Joint Employment Land Review.

7. At the Public Inquiry, I raised, in the context of windfall sites, the site of the former Daw Mill Colliery in the North Warwickshire Borough Council area, which had recently been announced as the intended site for an Application for Planning Permission for B1, B2 and B8 development.

The LEP’s Strategic Economic Plan, published on 31st March 2014, at paragraph 1.2, noted:

“CWLEP with the support of the local authority joint committee has identified the Coventry & Warwickshire Gateway as the priority site for sub-regional employment within the SEP delivery period, providing 121 hectares of employment land in a central strategic location. **The site of Daw Mill Colliery will be considered as a future priority sub-regional employment site** and CWLEP will work with North Warwickshire Borough Council to assess its development and investment requirements.”

8. The Strategic Economic Plan does not state the period it covers, quoting figures to several different dates. However, it seems that it must be to at least 2020. The lead-in time for the Gateway site has been estimated at three years because of the extent and nature of the remediation of the site (the contamination is extensive and its nature unknown but is said to include radioactive material) and the road and other infrastructure requirements.

A major Highways Agency Improvement Scheme for the Toll Bar End junction of the A45/A46, at the eastern end of that section of the A45, is already causing major disruption and is programmed for a total of three years. The Gateway scheme then has to carry out other significant works to and around the A45 and the usual roads within the site.

The Highways Agency Scheme is to relieve the pressure on one of the area’s busiest junctions. But adding the Gateway traffic, both employees’ and 40 to 46 tonne heavy goods vehicles, to that from the Prologis, Ryton Logistics Park, in course of development and shortly to house a Network Rail Distribution Centre and with significant capacity still available, and the relentless increase in traffic generally will inevitably mean that even the improved junction will be overrun once more.

In addition, the A45/A46 junction only ½ mile away at the western end of that section of the A45 will have to accommodate a similar volume of traffic.

The modelling which has been rolled out to show that my concerns are completely unfounded might have persuaded me more readily if land near to my home had not flooded 18 months ago during an incident described by the Environment Agency as “not very severe” while its modelling showed a flood risk of only once in 100 years. The result was reassessment.

9. Daw Mill, by contrast, is a former Colliery site and its Developers, Harworth Estates Limited, until December 2012 a subsidiary of UK Coal, are very experienced at remediation of such sites. There is no present reason to think that the lead-in time would be anywhere near as long as for the Gateway site.

So, although the LEP's Strategic Economic Plan says that it "will be considered as a future priority sub-regional employment site", the adjective "future" can only refer to it being included in the SEP in the future, not that it will follow on from Gateway. The latter interpretation is not realistic in any event, since it is anticipated that it will be a number of years before Gateway is fully occupied.

10. The Local Plan, paragraph 2.73, states that the Gateway site is "close to areas of some of the most significant economic deprivation in Coventry and Warwickshire."

While that might be literally true of the south east and east of Coventry, it is misleading because the greater deprivation is to the north and, particularly, the north east of the city. Nuneaton and Bedworth, to the north west of Coventry, also suffers similarly.

The SEP's SWOT (Strengths, Weaknesses, Opportunities, Threats) Analysis at paragraph 2.8 confirms much of that in the following terms:

- "Employment rate below the EU 2020 target in North Warwickshire (73%)."
- Job density or Job availability in Coventry (79%) and Rugby (75%) is low and significantly low in Nuneaton and Bedworth (61%).
- Income and growth disparity between the north and south of the Coventry and Warwickshire due to large out-commuting in the north and large in-commuting in the south
- Coventry and Warwickshire has significant levels of deprivation within a range of its local areas. Coventry is ranked 50th and Nuneaton and Bedworth is ranked 108th most deprived local authority out of 326.
- Coventry's unemployment rate of 9.4% compares unfavourably to the national average of 7.8% with areas of Warwickshire also experiencing higher unemployment.
- High youth unemployment rates which range from 29.2% in Nuneaton and Bedworth and 29.1% in North Warwickshire to 19.8% in Stratford-on-Avon, while they stand at 24.8% in Coventry and 24.4% in Rugby.
- Rates of educational attainment below the national average across Levels 2-4.
- High percentage of the population with no qualifications, 8th Lowest in the UK and below the English Average."

11. Sadly, the pattern these statistics show is not new. The evidence base which informed the Regional Spatial Strategy showed a similar pattern. Its solution was the Coventry-

Nuneaton Regeneration Zone, which was a rectangle stretching, broadly, North West to South East from Nuneaton to the A45 South of Coventry.

The Gateway site is beyond the Southern boundary of the Regeneration Zone, with the result that, if it is to play a part in relieving the deprivation, a large number of employees will have to travel from the far side of the City or beyond, either by public transport or car. A negligible number will walk (the site itself extends to well over a mile from the A45, as well as the distance to reach and cross the A45) and relatively few will cycle from even the nearest part of the City.

12. The GL Hearn Gateway Report

- 12.1** At its Meeting on 18th December 2012, the Planning Committee of Warwick District Council deferred its decision for further information. It agreed that Consultants GL Hearn should be commissioned to provide that information in an independent Report.

It was the Planning Committee, exercising a quasi-judicial function, to whom the Consultants were answerable, not the Council as a whole.

- 12.2** In order to test whether Hearn's Report might have been influenced by its master, and whether its master might have been influenced by the Council as a whole and outsiders through the Council as a whole, it is necessary to understand who is who and their roles, and the correlation between those roles.

Coventry City Council

The landowner of the subject site and the Local Planning Authority of the A45.

Warwick District Council

Local Planning Authority of the remainder of the site.

Councillor Michael Doody

Leader of Warwick District Council at material times.

Mr Chris Elliott

Warwick District Council Chief Executive.

Mr Bill Hunt

Warwick District Council Deputy Chief Executive, seconded to the LEP at all material times.

Mr Martin Yardley

Coventry City Council, similarly seconded to the LEP.

Mrs Tracy Darke

Head of Planning at both Coventry City Council and Warwick District Council during the passage of the Application through the Planning Committees.

Member of a LEP Group.

Sir Peter Rigby

Chairman of the Rigby Group of Companies.

One of those Companies is one of the Joint Venture Partners who together form the Applicant for Planning Permission, Coventry & Warwickshire Development Partnership LLP.

Operator of Coventry Airport (which is in the middle of the Application site).

Believed to have an option or similar in respect of the site.
Board Member of the LEP and Chairman from a few days before the Application was submitted until a few days before the start of the Public Inquiry.
Author of the Foreward (sic) to the SEP.

The Gateway Public Inquiry was told that Sir Peter Rigby took no part in dealings of the LEP in relation to the Application. However:

12.3 Three different versions of the Report, informed by four separate sets of Comments from the Local Authorities (three from Warwick and one from Coventry), were submitted to the Local Authorities.

The Councils received the first “draft” Report on Thursday, 7th March 2013. *Timeline Chronology.*

That very day, the then Leader of Warwick District Council, Councillor Doody, spoke with Sir Peter Rigby. The Council acknowledge that but say they can provide no details because they do not have any. They do not say whether they have asked Councillor Doody. *E-mail, Tuesday, 12th March 2013, 07:46: Hunt to Doody.*

On Monday, 11th March 2013, there was a Meeting between Mr Bill Hunt, Mr Martin Yardley and representatives from Roxhill and Rigby Group, including Sir Peter Rigby, at the Offices in Birmingham of SCH Group (Sir Peter’s original Company). *The same e-mail. FOI reply, Friday, 28th February 2014, 13:53, paragraph 2(7).*

That Meeting was said to be “a general discussion which focussed on ensuring that Sir Peter Rigby had a clear understanding of the (then) current situation” in relation to the Gateway Planning Application. *Ditto, paragraph 2(6).*

Again, the Council could provide no details of it because, Mr Hunt says, there were no formal Minutes of it and he did not keep a record. *Ditto, paragraph 2(7).*

That night, and again at 07:46 the next morning, Mr Hunt sent an e-mail to Councillor Doody. He said that Sir Peter would like to take up Councillor Doody’s offer to speak further about it. *The same e-mail.*

When told by one of the Council’s Executive PAs that she was having difficulty co-ordinating the diaries of everyone, who included Messrs Hunt and Yardley, for that Meeting, “Sir Peter advised that he would like to meet with Chris [Elliott] and Cllr Doody only”. *E-mail, Wednesday, 13th March 2013, 12:28, from the Chief Executive’s Office to Ms Karen Morse (“Sir Peter’s PA”).*

That Meeting was arranged for Monday, 18th March 2013 at the Council’s Offices. *E-mails, 13th March 2013, 17:03: Ms Morse to Chief Executive’s Office; and 17:22: Reply.*

It was said that that Meeting “was held to reassure the applicants that the application would be dealt with expeditiously and fairly and explaining progress with achieving that.” *FOI reply, Friday, 28th February 2014, paragraph 3(3).*

Again, the Council can provide no details of what was discussed because, they say, there were no formal Minutes of it. They did not *Ditto, paragraph 3(4).*

reply to a request for “an Attendance Note/other record of the Meeting.”

On Friday, 15th March 2013, both Local Authorities submitted to GL Hearn their comments on the first draft of the Report. *Timeline.*

On Wednesday, 27th March 2013, they received the second “draft”. *Ditto.*

On Friday, 19th April 2013, Warwick District Council submitted further comments; and *Ditto.*

On Wednesday, 1st May 2013, Mr Young submitted yet more. *Ditto.*

On Wednesday, 8th May 2013, the Council received the “final version of Report” from GL Hearn. *Ditto.*

We know all that from replies to Freedom of Information requests. The Council’s response to a further request for copies of the “draft” Reports, the Councils’ Comments and other correspondence and documents to shed more light on the events of that time provided little further information and that little (details from Mr Hunt’s diary of Meetings) did not include the Meeting on Monday, 11th March 2013. *Follow-up e-mail, Friday, 28th March 2014, 12:01: Ellwood to Leach.*

It said that it had been decided that it would be more in the public interest not to provide the other information and documents sought than to provide it.

David A Ellwood

David A Ellwood

27th June 2014

9. If your representation is seeking a modification, 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:

This Representation is linked with those against Policies DS1 and DS19.

The Representations are detailed. I did not seek Rule 6 status for the Coventry and Warwickshire Gateway Public Inquiry but had to seek leave to give evidence as a result of matters which arose.

I wish to be able to participate fully in the Examination in Public of the Local Plan.

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 A Ellwood

Date :

27th June 2014

Copies of all the objections 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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