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18441/A3/AJ

VIA POST AND EMAIL (newlocalplan@warwickdc.gov.uk)

27th June 2014

Dear Sirs,

**RE: WARWICK DISTRICT LOCAL PLAN 2011-2029 – PUBLICATION DRAFT
REPRESENTATIONS ON BEHALF OF JOCKEY CLUB RACECOURSES**

We write with regard to the current public consultation relating to the Warwick District Local Plan 2011 – 2029 Publication Draft. The representations set out below are made on behalf of Jockey Club Racecourses in relation to Warwick Racecourse. Enclosed is a copy of the Council's Response Form, However we respond specifically to Sections 7 and 8 of the Response Form below.

- 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.**

Policy CT7 Warwick Castle and Warwick Racecourse/St Mary's Lands, Paragraphs 3.140 to 3.142 and Policy CT2

Warwick Racecourse is an important leisure and recreational facility within the District and as such our Client welcomes the inclusion of a site specific policy CT7 within the Local Plan, as we promoted through the earlier versions of the emerging plan. However, we have a number of objections to the current drafting, not least the requirement for a Masterplan per say as well as the associated ban on any development that does not accord with an approved Masterplan, which is considered is not legally compliant and renders the Policy unsound.

Our previous representations sought the inclusion of a site specific policy to enable development within the racecourse in order to make it easier to progress redevelopment proposals should they arise during the plan period. Such an approach sought to recognise

the role of Warwick Racecourse within the District, and the need to support ancillary activities to assist the Racecourse in providing an attractive and viable visitor destination in order to ensure the future viability of the racecourse.

Additionally it was considered that Warwick Racecourse provides the ideal opportunity to accommodate further development being an existing tourism and leisure destination. Its location in close proximity to the town centre means that enhancement of the Racecourse will have other spin off benefits for the town with additional income generated.

As previously indicated, it is important that flexibility is built into the Local Plan to cater for changing circumstances during the plan period to ensure the future vitality and viability of the racecourse. As you are aware, in recent years the racing industry has suffered a very substantial reduction in funding from the Horse Racing Betting Levy Board and the levy and as a result of this and other circumstances, Warwick Racecourse, along with several other racecourses, has lost much of the income it relied upon. These adverse industry conditions have resulted in the recent closure of both Folkestone and Hereford Racecourses. Warwick Racecourse will need to diversify or consolidate the racecourse functions during the plan period in order to remain financially viable. Other racecourses including Epsom Downs and Sandown Park are experiencing a similar situation and have had to consider diversification options. A replacement Grandstand and new hotel have been provided at Epsom Downs Racecourse, planning permission has been granted for a new hotel at Sandown Park Racecourse and most recently planning permission has been secured for a major new grandstand and improved facilities at Cheltenham Racecourse.

Whilst we welcome the inclusion of a Policy relating specifically to Warwick Racecourse, although confusingly is coupled with Warwick Castle, we consider that the proposed Masterplan requirement set out is disproportionate to the emerging/potential proposals that may come forward at the Racecourse in due course. We do not consider it appropriate for a Masterplan approach to be adopted in this instance. Informal masterplans prepared at other Racecourses have soon become outdated and the operational requirements in particular can change quickly.

The proposed Policy wording of CT7 and the new requirement for a Masterplan to be approved prior to any development proposals being permitted will constrain the Racecourse. JCR has already informed the Council that there is a need to improve facilities at Warwick Racecourse in order to remain an attractive visitor destination and JCR has outlined at a very high level from its strategic business plan, that there is a need to improve and/or enhance the facilities at the racecourse to ensure its continued viability and continue the programme of re-investment which is expected to include the following:

- a hotel
- replacement saddling boxes
- a new members entrance
- renewal of the Chandler Suite
- a new main racecourse entrance
- extension to the caravan park

Generally, in order to compete with other sporting facilities and leisure activities, JCR are seeking to improve the standard and range of facilities at the racecourse. Corporate events, in particular, are an important market that the Racecourse Management are keen to encourage. JCR therefore consider a policy within the Local Plan that promotes the

improvement of facilities at the racecourse is appropriate.

In addition to our objections to a Masterplan approach as set out above, we set out our further objections to the proposed Policy wording including criterion (a-e) and Paragraphs 3.140 to 3.142, which we do not consider to be legally compliant and which are unsound as follows:

- It would be unreasonable for the Council to refuse any applications in the absence of a Masterplan during any Masterplan preparation on the basis of such a Policy;
- If the Council were to withhold consent for any Masterplan it would not be acceptable for this to render Warwick Racecourse unable to make any planning applications in the meantime, as a result of the current Policy wording. This would seem contrary to the NPPF which supports development;
- It would seem unreasonable to not allow any development proposals which have not been identified in any Masterplan, particularly small scale proposals which may be required for the maintenance and management of the racecourse and its associated facilities. The current Policy wording would prohibit such proposals;
- It is not clear what process will be used to secure the approval of the Masterplan or whether this is will prepared by the Council or the owners of the Racecourse;
- Clearly the Racecourse and the Castle have completely different heritage assets of completely different value, yet the policy sets out the same requirement for both which is unreasonable;
- the current wording of the Policy is confusing as to which bits are relevant to Warwick Castle and which are relevant to the Racecourse, clearly it would be inappropriate for the Racecourse to have to comply with criterion a;
- The wording of the Policy criterion is ambiguous, particularly in relation to criterion b which is open ended;
- It may not be possible to respond to all the criterion at a Masterplan stage where only broad proposals It would be unreasonable to require the Racecourse to formulate detailed proposals to inform any Masterplan submission, which would appear to be an unintended consequence of the current Policy wording;
- It is not clear how applications relating to the horseracing side of the operation would be dealt with in the context of a Masterplan, such as the replacement saddling boxes, for which, in particular, it would seem wholly inappropriate to have to justify in a Masterplan context;
- It is helpful that the Policy does not seek to restrict the types of development that could be brought forward at the Racecourse, however there is a discord between the Policy wording and the Supporting Text at Paragraph 3.142,

further to which the criterion at 3.142 seem at odds with those set out within the actual Policy wording;

- It is not clear what the Council is seeking to secure in relation to land for public recreation and the enhancement of biodiversity and links to the open countryside and other areas. Any development proposals would clearly need to provide the appropriate mitigation relevant to that proposal, however we object to the Council using the Local Plan to secure improvements over and above that which may be justified and reasonable;
- The designation of a Potential Local Wildlife Site should be fully justified and should not impinge on the Racecourses ability to deliver its core business of horseracing and the associated visitor experience;
- We consider that Policy CT2 Directing New or Extended Visitor Accommodation should cross reference to Policy CT7 and the supporting text at Paragraph 3.142.

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.

Our Client has previously suggested, on the basis of the above, that the racecourse should be the subject of a policy which specifically relates to the use of the site and which recognises the role of the Racecourse and its facilities to the District and to aid the ability for the racecourse to refurbish and develop itself to protect its long term operation as an important sporting venue without compromising the nature and character of the district or its Conservation Area setting. As such, we consider that it would be more appropriate for the Local Plan to include a Policy with wording as set out below, rather than that currently set out in Policy CT7:

Suggested Policy and Supporting Text:

Policy CT7

'The Borough Council supports the role of Warwick Racecourse, within the area defined on the proposals map, in providing a recreation, leisure and entertainment facility, within the Borough, in order to ensure the continuing vitality and viability of this facility for the benefit of the local economy.'

Supporting Text

In general terms applications for additional equine support facilities, hotel use, conference facilities, alternative leisure and recreation will be permitted, provided that the requirements of all other relevant policies of the plan are satisfied.

Carlisle and Market Rasen Racecourses provide two examples of local planning authorities supporting racecourses within their administrative boundaries by means of site specific policies as reproduced below:

Carlisle City Council Local Plan 2001-2016
Policy EC21 Carlisle Racecourse

“Proposals for development at Carlisle Racecourse will be favourably considered where they enhance the existing sporting economic, recreation and tourism function of the racecourse. Proposals for redevelopment will be judged against their impact on the surrounding environment, highways and road safety and other policies of this Plan. Enabling development may be considered where this would improve the existing operation of the racecourse.”

West Lindsey District Council Local Plan (June 2006)
Policy CRT7 – Lincolnshire Showground and Market Rasen Racecourse

“.....

Within the Market Rasen Racecourse Area as defined on the Proposals Map, development proposals for leisure, recreation, education and rural business opportunities together with ancillary equine related activities, retail and food and drink uses to serve the racecourse visitors will be permitted provided that:

- i) The development is compatible with the main racecourse use; and the ancillary equine related activities, retail and food and drink uses are located within the core of the existing built racecourse development;**
- ii) The development is of an appropriate scale with regard to the existing built form, its open landscape setting and would not have an adverse effect on the characterised appearance of the open countryside;**
- iii) The development would not have a detrimental effect on highway safety.”**

Paragraphs 3.140-3.142

Paragraphs 3.140 to 3.142 should be amended to reflect the wording set out above referred to as 'Supporting Text'.

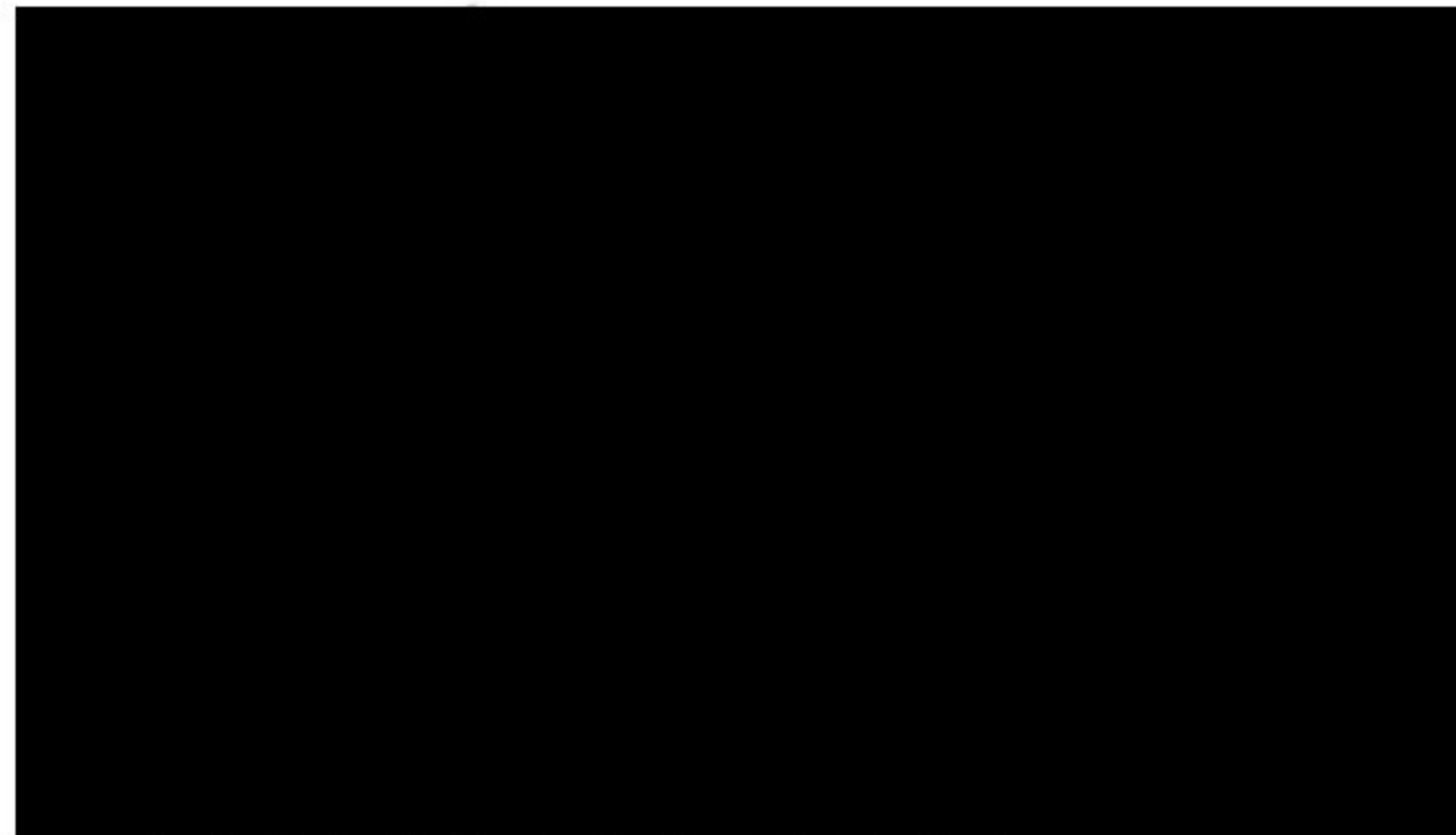
Policy CT2

Policy CT2 should be amended to specifically cross-reference to the provision of a hotel at Warwick Racecourse, given that the principle of hotel development at the Racecourse has previously been confirmed to accord with Planning Policy by the Council, subject to detailed design.

We would be grateful if you could confirm that the above representations have been duly made and keep us informed regarding the next stage in the Local Plan process.

Should you wish to discuss the above matter please contact me on 0207 4466888.

Yours faithfully,



MARIE JASPER
Associate

Enc.

cc: Huw Williams – Warwick Racecourse