

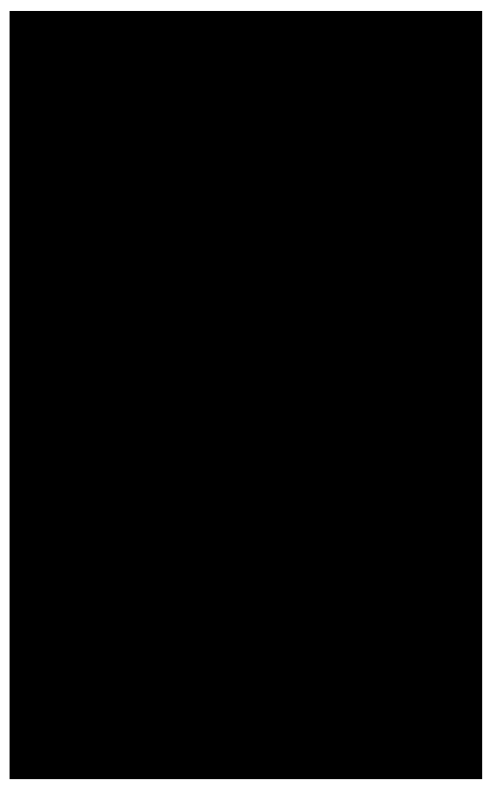
Part A - Personal Details

1. Personal Details*

2. Agent's Details (if applicable)

* If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in section 2.

- Title
- First Name
- Last Name
- 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 Local Plan for independent examination 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

PLEASE NOTE - THERE ARE 3 REPRESENTATIONS.

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Person ID:	Rep ID:

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: *TRANSPORT*
Paragraph Number: *5.28 et seq.*
Policy Number:
Policies Map Number:

5. Do you consider the Local Plan is :

- | | | |
|---|----------------|----|
| 5.1 Legally Compliant? | Yes | No |
| 5.2 Complies with the Duty to Co-operate? | Yes | No |
| 5.3 Sound? | Yes | No |

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:
- Justified:
- Effective:
- Consistent with National Policy:

Representation 1. Legal Compliance and Duty to Co-operate

7. Legal compliance and duty to co-operate are not just box-ticking exercises; there is an implied requirement that the processes have been carried out with appropriate technical and managerial competence. This has not been the case in respect of the Transport issues. The Highway Authority (HA) made the following statement in response to the author's FOI request in 2013 for details of the specification of the Strategic Transport Assessments (STAs) used as Evidence for the Plan.

"No formal record of the request for each phase of the Strategic Transport Assessment exists...the development of each STA was a moveable feast and new assessment were added/requirements changed during their development, these discussions were within meetings and via phone calls."

In short there is no traceability whatever (as is required by OSI 9000 protocol) of the need for, objectives or alterations to the "evidence". There is therefore no audit trail which can be followed to determine what was actually required by the District Council, what proactive input was made by the HA to the process or whether or not at some future time the aspirations of the scheme have been realised. This approach renders the STAs unsuitable as "Evidence" and has resulted in proposals which could aggravate current traffic conditions. (See Representation 3).

Extensive work has been carried out over three decades, starting with the Warwick Local Plan of 1985 and culminating in the specific provisions of the current Local Transport Plan, and by officers and volunteers from professional organisations and the public (including the author) over the past decade with the HA to achieve the agreed goals of traffic reduction and environmental protection in Warwick town centre. None of this work has been considered in the Plan. Since 2010 the HA has been following two distinct but diametrically opposed policies, one to *reduce* traffic volumes to achieve improve air quality in line with the provisions of the Local Transport Plan, public opinion and backed by law, and the other to *increase* traffic volumes simply to accommodate the desires of the District Council and with no consideration of other needs such as pedestrians and residents. This dichotomy in management makes the HA's contribution to the Plan non-credible.

From these considerations and from specific and fundamental errors in the STAs which are dealt with in the following Representations, it is clear that Authorities have failed co-operate and failed to exercise due diligence resulting in the Local Plan failing the requirements of legality and co-operation.

8. **Modifications**

No credible modification is possible at this stage – the Plan is what it is. Overall it seems that the Highway Authority has simply colluded with the District Council to produce a faux transport justification for the housing proposals rather than undertaking an objective assessment of the problems which would arise and of potential solutions.

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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Rep 1

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:

Representation

I wish to participate in the oral part of the examination in case the Inspector wishes to question me further on my personal involvement in traffic matters with the HA and/or on the issues which arise from my Representations.

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: 

Date : 22/6/14

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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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?

Representation 2 Transport Local Plan Para 5.28, 5.29 et seq. and policy TR2 and TR3 and Sustainability Appraisal Para 3.87

Paragraph Number:

Policy Number:

Policies Map Number:

5. Do you consider the Local Plan is :

- 5.1 Legally Compliant? ~~Yes~~ No
- 5.2 Complies with the Duty to Co-operate? ~~Yes~~ No
- 5.3 Sound? ~~Yes~~ No

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: ✓
- Justified: ✓
- Effective: ✓
- Consistent with National Policy: ✓

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.

The Warwick Local Plan (September 1985) refers to the need to *reduce traffic flows* in Warwick and to achieve a *reduction of though traffic*. This theme is continued in the Local Transport Plan 2011-2026. This commits to “...mitigate the growth in congestion through measures aimed at discouraging the growth of peak period traffic in urban areas..”(P162) and to taking “...a proactive approach to maintaining and improving air quality within the County where transport is causing unacceptable levels of air pollution, in order to improve the health and quality of life for all” (P174).

However the Local Plan, driven by the Strategic Transport Assessments (STAs) proposes an *increase* of traffic in our urban areas, thus having an adverse impact on air quality and the historic environment, and especially the Avon Bridge which was not designed to carry today’s traffic burden. This increase is contrary to the provisions of local and National policy, and in particular the provisions of HMG’s White Paper “Creating Growth, Cutting Carbon – Making Sustainable Local Transport Happen”.

The Sustainability Appraisal (Para 3.87) concedes that air quality will continue to be a problem for the foreseeable future, but “expects” that the problem will have disappeared by 2029 provided the majority of vehicles comply with new Euro standards. This is not a plan to deal with today’s urgent problems and relies also on the UK remaining part of the EU which is by no means certain. Action is needed now. The Plan is therefore **unsustainable** in this regard.

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.

Modifications

A traffic demand management scheme such as transit charging should be introduced for Warwick Town Centre. This would deter unwanted through traffic and immediately create spare highway capacity to accommodate the additional traffic loads caused by new developments. No other highway modifications would be necessary. Such a scheme was first identified by the author as part of the Highway Authority’s (HA) Joint Study Group in March 2013. The scheme was deliberately suppressed by the HA but the author subsequently developed the scheme further through public consultation and discussions with a potential supplier. The author therefore holds the copyright to the resultant specification. This scheme would eliminate the need for Para 5.31 2nd bullet point to “improve major congestion hotspots”. Also please note that Representation 3 points to the likelihood of these “improvements” actually making matters worse.

Continue on a separate sheet if necessary

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Signature

Date

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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: TRANSPORT

Paragraph Number:

Policy Number: TN2, TN3

Policies Map Number:

5. Do you consider the Local Plan is :

- | | | |
|---|----------------|----|
| 5.1 Legally Compliant? | Yes | No |
| 5.2 Complies with the Duty to Co-operate? | Yes | No |
| 5.3 Sound? | Yes | No |

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: ✓

Justified: ✓

Effective: ✓

Consistent with National Policy: ✓

Representation 3 Transport Local Plan Policies TR2 and TR3

7. While these Policies are aimed at potential developers to ensure that they plan for the impact of traffic which their proposals will generate, there are three underlying issues arising from the inadequacy of the Strategic Transport Assessments (STAs) supplied by the Highway Authority (HA) as "Evidence" in support of the Plan.

1. **Traffic Impact Assessments** The data used in the STAs are derived from the standard modelling process using PARAMICS. The data refer to peak times (2 hours per day) when the schools are in operation (30 weeks per year) which (rounding up) accounts for just 4% of the year. The STAs give no assessment whatever of the likely impact of traffic for the remaining 96% of the year or for the effects on traffic outside these peak periods, hence the picture presented in the STAs is hugely unrepresentative, and taken together with the evident fallacy of "mitigation" (see below) has led to erroneous conclusions. In addition, there is no evidence that the needs of pedestrians have been taken into account.

2. **"Mitigation"** What the HA actually means by "mitigation" is reduced journey times for *drivers of vehicles at peak times only*, with no regard for the impact on others, on the built environment or even on drivers at off-peak times. The HA has completely overlooked the fact that the "mitigating measures" will be operational 24/7 whether or not they are actually needed at the time. In the case of the urban environment, this will mean that vehicular traffic will be stopped at times when there is no actual need to do so; a process which will *create unnecessary delay* and *cause additional air pollution*, potentially for 96% of the time. The HA has made no assessment of this damaging scenario - some "mitigating measures" are, on balance likely to increase overall traffic delay and thus actually *aggravate* the situation. An example of this can be seen operational at the Gallows Hill/Banbury Road junction.

3. **Errors of Fact** Tables 32 to 35 of the STA Phase 3 contain errors of fact relating to the direction of traffic flow in the main streets of our County town. This points to an underlying concern that the documents submitted by the HA as "evidence" have not been properly reviewed; an issue which casts doubt on the validity of all of the data.

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.**

The proposed introduction of a traffic demand management system for Warwick Town Centre should identify how much spare highway capacity would result based on existing traffic flow data. Some of that "spare" capacity will already be accounted for in reducing air pollution to acceptable levels, leaving a "residual" capacity capable of being taken up by new developments. Policies TR2 and TR3 should be modified to show that developers will be required to demonstrate that the increased traffic demand from their proposed developments should not exceed (in aggregate) this residual capacity.

Continue on a separate sheet if necessary

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REP3

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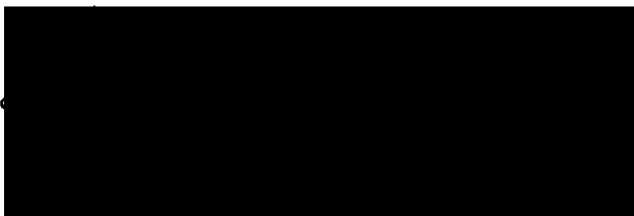
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22/6/14

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