

## Publication Draft Representation Form 2014

For Official Use Only
Person ID:
Rep ID:

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This form has two parts:

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

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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](mailto:newlocalplan@warwickdc.gov.uk)

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# Part A - Personal Details

	<b>1. Personal Details*</b>	<b>2. Agent's Details (if applicable)</b>
	<small>* 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.</small>	
Title		Mrs
First Name		Jane
Last Name		Gardner
Job Title (where relevant)		Director of Planning
Organisation (where relevant)	William Davis Limited and Hallam Land Management	Marrons Planning
Address Line 1		1 Meridian South
Address Line 2		Meridian Business Park
Address Line 3		Leicester
Address Line 4		
Postcode		LE19 1WY
Telephone number		0116 281 6949
Email address		jane.gardner@marrons-planning.co.uk

**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:

Policy Number:

DS15

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:

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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.**

In a separate objection to Policy DS11 Allocated Housing Sites, we have commented on behalf of our clients, on the site at Thickthorn, Kenilworth. It is considered this site should be deleted from the plan and replaced with land south of Gallows Hill, Warwick. Accordingly, a modification is required to Policy DS15 to delete reference to Thickthorn at sub-paragraph (e) and replace this with land south of Gallows Hill.

**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.**

Paragraph (e) of Policy DS15 should read as follows:

e) South of Gallows Hill

In the table in the final part of the policy, delete reference to Thickthorn.

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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 and other separate comments indicate that Hallam Land Management and William Davis Limited find that a number of the policies and proposals for the development of new homes and in relation to heritage matters are unsound. They also have concerns regarding the overall level of housing provision and the distribution of new homes as reflected in the strategic proposals. They therefore would wish to participate at the oral part of the examination in order to elaborate on their concerns and the necessary changes to the plan that flow from that.

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 :



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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Title		Mrs
First Name		Jane
Last Name		Gardner
Job Title (where relevant)		Director of Planning
Organisation (where relevant)	William Davis Limited and Hallam Land Management	Marrons Planning
Address Line 1		1 Meridian South
Address Line 2		Meridian Business Park
Address Line 3		Leicester
Address Line 4		
Postcode		LE19 1WY
Telephone number		0116 281 6949
Email address		jane.gardner@marrons-planning.co.uk

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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"/>
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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:

Policy Number:

DS20

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:

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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. Hallam Land Management and William Davis consider, for the reasons set out below, that Policy DS20 is unsound because it is neither justified, in that it is not the most appropriate strategy when considered against the reasonable alternatives; nor has it been prepared in accordance with the Duty to Co-operate. It is therefore not legally compliant.

2. In explanation of the policy, the Council advise in paragraph 2.82 of the draft Local Plan that the six local planning authorities within the Coventry and Warwickshire Housing Market Area (HMA) have agreed to co-operate to ensure that the HMA's housing need in the is met in full. As a first step in this process, a Strategic Housing Market Assessment (SHMA) was jointly commissioned and published in November 2013.

3. Paragraphs 2.83 - 2.85 of the draft Local Plan recognise that there may be circumstances where one or more of the six local authorities are unable to meet their objectively assessed need in full in which case it will be necessary for the six authorities to work closely together *"to develop and maintain a strategy to meet the HMA's housing requirement."* It is clear from this approach, and confirmed by reference to the second sentence of Policy DS20, that if it is shown that significant housing needs arising outside of the District should be met within its administrative area, the Council is relying upon a **review** of the Local Plan. This will further delay the provision of new homes which it is already apparent will be required. They should be planned for now rather than deferred for the reasons set out below.

con't on separate sheet

**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.**

Hallam Land Management and William Davis consider that the submitted plan is not legally compliant as it does not properly comply with the Duty to Co-operate. Having worked jointly, with the other planning authorities in the Coventry and Warwickshire sub-region, commissioned a SHMA in accordance with the advice in paragraph 159 of the NPPF, the Council have not subsequently established with their partner authorities how the overall requirement might be distributed across the sub-region in order to ensure that the HMA's overall housing need is met in full over the plan period.

Similarly, the Council has not co-operated in similar terms with the authorities in the Greater Birmingham area, notwithstanding the evident shortfall in housing provision that has emerged in both the submitted Birmingham Plan and the Solihull Plan.

Further, the plan is not sound as it has not been positively prepared as it is not based on a strategy which seeks to meet objectively assessed development requirements, including unmet requirements from neighbouring authorities; nor is it justified, effective and consistent with national policy. In this context, it is not considered sufficient to suggest that accommodating housing needs that arise from outside the District is a matter for a subsequent review of the plan; the timescale for which is not determined. That approach falls short of the expectation in the NPPF that this plan should meet the objectively assessed needs for market and affordable housing across the housing market area and based on joint working and co-operation to address larger than local issues. As a consequence, it is only by determining the distribution of the total housing requirement in the SHMA and accommodating that part of the unmet need which falls to be met within Warwick District that it will be possible to have a legally compliant and sound plan.

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## Response to Q7 continued

4. The first part of Policy DS20 also goes on to note that “The existence of unmet need arising outside of the Plan will not render this Plan out of date”. This cannot be true. The existence of unmet needs now, if not properly provided for, can make the Plan not legally compliant or unsound. Similarly, if they arise in the future it would automatically make the Plan out of date.
5. The scale of housing provision in Policy DS6 (in respect of which separate comments have been submitted) is based on the assessed need for the District, as set out in the as set out in Table 97 of the SHMA; a figure of 720 dwellings per annum (dpa) comparable to Policy DS6’s provision of 12,860 dwellings between 2011 – 2029 which is equivalent to 714 dpa.
6. In any event, the level of provision set out in the SHMA is described in paragraph 11.28 as a “policy off” assessment of need. It takes no account of land supply or other strategic constraints to development; factors which need to be taken into account as part of the consideration of the distribution of housing across the Coventry and Warwickshire sub-region. The SHMA recognised that these could be issues as in paragraphs 11.32 and 11.33 it sets out some advice on the steps the constituent authorities should take if there is a need to consider:
  - any unmet need for adjoining HMAs; and,
  - how individual authorities may need to work with others to consider how unmet needs might be met within the HMA.
7. It would therefore appear that in relation to the issue of housing provision, the Duty to Co-operate has gone no further than the preparation of the joint SHMA, following which the housing policies and proposals were finalised and incorporated into the pre-submission plan. The overall level of housing provision (714 dpa) does not embrace any consideration of the need to accommodate any shortfalls in planning provision, as may arise from the adjoining Districts within the SHMA sub-region or from the Birmingham/Solihull area to the west. In so far as the latter is concerned, it is relevant that:
  - i. The pre-submission Plan for Birmingham was published in January 2014. It makes provision for 51,000 dwellings compared to an assessed requirement for 80,000 dwellings. At present, it remains unclear how the unmet need might be absorbed within either the Greater Birmingham and Solihull LEP area or beyond.
  - ii. The Solihull Plan has been the subject of a successful legal challenge in which the Judge ruled in the High Court that the plan was not based on a proper identification of objectively assessed housing needs for Solihull over the plan period to 2028. There is an evident shortfall in the order of 3,000 homes and there was no evidence of co-operation between the Borough Council and its neighbours (which includes those within Coventry and Warwickshire) to work out how and where this unmet need will, in fact, be met.
  - iii. Within the Coventry and Warwickshire SHMA area, Coventry withdrew its Core Strategy following advice from the Inspector appointed to examine the plan in April 2013. He was critical of the evident lack of co-operation between the City and the adjoining authorities about the provision of new housing and the absence of any agreement on how to deal with any shortfall in housing

when compared to estimated needs. A new Development Plan for the City is to be prepared and it is uncertain, at this stage, if the assessed level of need in the 2013 Joint SHMA can be met in the City although it is doubtful.

6. It is evident from the above examples, that at this juncture the level of housing provision in the Warwick Local Plan, as set out in Policy DS6, must be considered as no more than provisional, since it does not reflect any detailed consideration of the issues raised in the SHMA, as set out in paragraph 4 above.

As noted above, the Council's response to this situation is to indicate in paragraph 2.86 that there will be an early review of the plan following joint working between the six local planning authorities. This work may or may not involve wider co-operation with authorities in the Greater Birmingham area (paragraph 2.87). This approach further increases the uncertainty that must attach to the overall level of housing provision set out in the plan because there is a clear expectation that housing requirements in any review would need to be higher than the level in Policy DS6. Further, no timescale is attached to the review of the plan and as a consequence a significant shortfall in the overall provision of new homes could have built up by the time a review is undertaken, contrary to national policy as set out in paragraph 159 of the NPPF.

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 and other separate comments indicate that Hallam Land Management and William Davis Limited find that a number of the policies and proposals for the development of new homes and in relation to heritage matters are unsound. They also have concerns regarding the overall level of housing provision and the distribution of new homes as reflected in the strategic proposals. They therefore would wish to participate at the oral part of the examination in order to elaborate on their concerns and the necessary changes to the plan that flow from that.

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:

Joe Gardner

Date :

25 June 2014

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First Name		Jane
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Address Line 1		1 Meridian South
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Paragraph Number:

Policy Number:

HE1

Policies Map Number:

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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):

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In general terms, many of the policies dealing with the Historic Environment are worded negatively and restrictively and so conflict with the NPPF, exceeding even the statutory provision (see Sections 16, 66 and 72 of the Planning [LBCA] Act 1990).

It is particularly the case, in our clients' view, that Policy HE1 must be extensively revised to ensure compliance with the NPPF and its practical application more generally.

In its present form, Policy HE1 does not include the concept of "proportionality" which is essential to delivery of sustainable development which underpins several topic areas of the NPPF. Our clients therefore consider the policy to be unsound and recommend it is redrafted as set out in B8 below.

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We consider that the policy should be redrafted as follows:

Proposals to alter listed buildings will be assessed in relation to the impact on its cultural significance as variously defined and in proportion to its interest and the degree of change proposed, or setting.

Likewise development in the setting of a listed building will be considered in light of its impact on the asset's significance.

The Council encourages the continuation of the original use of a listed building, unless it can be demonstrated that a proposed new use does not cause material harm to the significance of an asset or unless the original use does not support the asset's long term conservation.

In determining such applications, the Council will consider the impact of any new use on the physical characteristics of the building and on its character, including public access where this contributes to significance.

The Council will encourage the use of traditional materials and techniques in works of alteration/extension to/of listed buildings as appropriate to the nature of the proposals.

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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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 and other separate comments indicate that Hallam Land Management and William Davis Limited find that a number of the policies and proposals for the development of new homes and in relation to heritage matters are unsound. They also have concerns regarding the overall level of housing provision and the distribution of new homes as reflected in the strategic proposals. They therefore would wish to participate at the oral part of the examination in order to elaborate on their concerns and the necessary changes to the plan that flow from that.

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.

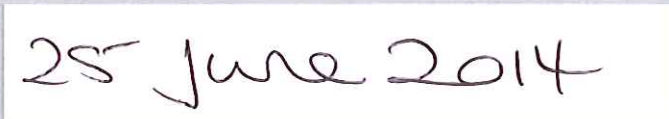
#### 11. Declaration

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 :



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.

For Official Use Only

Person ID:

Rep ID: