

## HS1 HEALTHY, SAFE AND INCLUSIVE COMMUNITIES

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 to 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 co-operate, please also use this box to set out your comments.**

Whilst we agree with and support part (c) of HS1, namely that design and layout of development will be important to minimise the potential for crime and anti-social behaviour and improve community safety, delivery of expanded and new police infrastructure will be vital as well. This has been accepted by the Council in its '*Draft Infrastructure Delivery Plan – April 2014*'.

As stated in paragraph 5.64 of the Local Plan, everyone should be able to feel safe in their surroundings. Delivery of policing services to local communities is an integral part of ensuring people are and feel safe. This can only take place if supporting police infrastructure is expanded in parallel with new development growth in the District.

Including a direct reference to this would be in accordance with the following paragraphs of the National Planning Policy Framework (NPPF): -

- Securing sufficient facilities and services to meet local needs is a core planning principle (paragraph 17).
- Planning is to deliver facilities and services that communities need (paragraph 70).
- Local plan policies should deliver the provision of security infrastructure and other local facilities (paragraph 156).
- Local plan policy and decision making should be seamless (paragraph 186).
- Infrastructure planning should accompany development planning by LPAs (paragraph 177) who should work together with infrastructure providers (paragraph 162).
- The NPPF seeks environments where crime and disorder and the fear of crime do not undermine the quality of life and community cohesion (paragraph 69) and planning policies and decisions should deliver this (paragraph 58).

Should there be any remaining doubts regarding whether the Local Plan should support the delivery of emergency services infrastructure to ensure community safety, please be aware that Ian Dove QC was instructed by the Association of Chief Police Officers (ACPO) to provide written advice in respect of developer contributions towards policing services. A copy of his advice is enclosed in **Appendix 1** to these representations. His advice concluded that there is no difficulty in the proposition of Section 106 agreements and CIL contributions towards police infrastructure in the context of the Planning Act 2008.

Ian Dove QC further confirmed that this is reinforced by the reference to security infrastructure in paragraph 156 of the NPPF. It should be noted that Ian Dove QC also confirmed that infrastructure is not limited to buildings and could include for example vehicles and

communications technology. He also asserted that as long as the infrastructure is required for the development of an area, it can be included within the relevant CIL schedule.

- 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.**

To resolve all of our concerns and improve the effectiveness of the policy, we request that the following amendments are made to part (c) of HS1: -

*'design development **and provide infrastructure** to minimise the potential for crime and anti-social behaviour and improve community safety.'*

As well as addressing our concerns, including the proposed amendment would also assist with the achievement of the objectives set out in the following documents: -

- A Shared Vision – Warwick District’s Sustainable Community Strategy 2009-2026
- South Warwickshire Community Safety Partnership – Partnership Plan – April 2014 – March 2017
- Garden Town, Villages and Suburbs – A Prospectus for Warwick District Council – May 2012

## HS7 CRIME PREVENTION

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 to 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 co-operate, please also use this box to set out your comments.**

We would like to emphasise from the outset that we welcome and support the inclusion of HS7 'Crime Prevention' in the Local Plan. Indeed, we commend the Council for its inclusion.

Our concern however is that its current wording asserts that design measures alone will ensure that developments enjoy low crime and antisocial behaviour rates, thereby ensuring community safety.

This is not to say Secured by Design measures won't reduce crime levels, they certainly will, as detailed elsewhere in our representations. However even when applied to the maximum possible extent, they can never reduce crime and anti-social behaviour rates in a development to zero. There will always be a necessity for policing and emergency services to deal with those incidents and crimes that occur no matter what design measures are put in place. That is why there is no such thing as a development policed entirely through architectural means.

The current wording of HS7 is surprising, not only because of the above reason, but because the Council's 'Draft Infrastructure Delivery Plan – April 2014' recognises that police and emergency services infrastructure will need to be provided if sustainable development in the District is to be achieved. The Plan also implicitly recognises that funding will be needed from Section 106 agreements and the Community Infrastructure Levy (CIL) to deliver this infrastructure. An approach fully supported by the Government, as demonstrated by the letter from them enclosed in **Appendix 1**.

The National Planning Policy Framework (NPPF) supports the approach of the Council to police and emergency services infrastructure. Paragraph 58 of the NPPF states that planning policies and decisions should ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. At the same time, paragraph 156 of the NPPF requires local planning authorities to set out the strategic priorities for their area within the Local Plan, including the provision of security and community infrastructure. Further, paragraph 177 of the NPPF emphasises that it is equally important to ensure that planned infrastructure is delivered in a timely fashion. Therefore, according to paragraph 177, infrastructure and development policies should be planned at the same time in the Local Plan.

It is also a fact that newly created communities will expect their homes and businesses to enjoy the same level of police and emergency services as existing settlements. A fact pointed out by the judge in the case of 'R (PCC for Leicestershire) v Blaby DC and Others' (May 2014). In this respect, we would like to draw attention to paragraphs 61 – 62 of the Judgement, which stated:

*"61. I do not, with respect, agree that the challenge mounted by the Claimant in this case can be characterised as a quibble about a minor factor. Those who, in due course, purchase properties on this development, who bring up children there and who wish to go about their daily life in a safe environment, will want to know that the police service can*

*operate efficiently and effectively in the area. That would plainly be the "consumer view" of the issue. The providers of the service (namely, the Claimant) have statutory responsibilities to carry out and, as the witness statement of the Chief Constable makes clear, that itself can be a difficult objective to achieve in these financially difficult times. Although the sums at stake for the police contributions will be small in comparison to the huge sums that will be required to complete the development, the sums are large from the point of view of the police.*

*62. I am inclined to the view that if a survey of local opinion was taken, concerns would be expressed if it were thought that the developers were not going to provide the police with a sufficient contribution to its funding requirements to meet the demands of policing the new area: lawlessness in one area can have effects in another nearby area. Miss Wigley, in my judgment, makes some entirely fair points about the actual terms of the section 106 Agreement so far as they affect the Claimant."*

Turning to the question of design to prevent crime; whilst provisions (a) – (d) of HS7 are welcome and supported by us, their effectiveness would be greatly enhanced through direct reference to 'Secured by Design'. The reason is that as they stand, it is very unclear what is precisely meant or intended by them. They would consequently be interpreted in very different and inconsistent ways by developers and planning officers alike throughout the plan period. As explained in our representations to BE1 '*Layout and Design*', Secured by Design on the other hand provides consistent measurable standards for this area, which will be in place throughout the life of the Local Plan.

- 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.**

To resolve all of our concerns and to ensure that HS7 '*Crime Prevention*' is effective in soundness terms, we request the following amendments:

*HS7 Crime Prevention*

***Developments*** will be encouraged to minimise the potential for crime and anti-social behaviour and improve community safety. Development proposals will be expected to demonstrate they:

**a) have adopted Secured by Design standards and principles such as by:**

- ***orientating*** and ***designing*** buildings to enable natural surveillance of public spaces and parking areas;
- ***defining*** private, public and communal spaces;
- ***creating*** a sense of ownership of the local environment; and

- ***making provision for appropriate measures such as lighting, landscaping and fencing, as an integral part of the development.***

***b) have provided new or expanded emergency services infrastructure where this is required.***

The Inspector and Council can be assured that recognising Secured by Design in the way proposed already enjoys an established precedent in the geographical area covered by Warwickshire Police and West Mercia Police:

- Bromsgrove District Council – Bromsgrove District Plan: Proposed Submission Version 2011-2030 – Policy BDP19 ‘*High Quality Design*’ – paragraph 8.261.
- Nuneaton & Bedworth Borough Council – Borough Plan: Preferred Options – Policy ENV3 ‘*Urban Character and Design Quality Policy*’
- Redditch Borough Council – Borough of Redditch Local Plan No.4: Proposed Submission Document – Part (vi) of Policy 40 ‘*High Quality Design and Safer Communities*’.
- Stratford-on-Avon District Council – Core Strategy: Proposed Submission Version (June 2014) – Part B of Policy CS.9 ‘*Design and Distinctiveness*’.
- Wyre Forest District Council – Kidderminster Central Area Action Plan (adopted July 2013) – Part (j) of Policy KCA.UP1 ‘*Urban Design Key Principles*’.
- Wyre Forest District Council – Site Allocations and Policies Local Plan 2006-2026 (adopted July 2013) – Part (vii) of Policy SAL.UP7 ‘*Quality Design and Local Distinctiveness*’.

The Inspector and Council can similarly be assured that a well established precedent exists for recognising the police and emergency services as infrastructure in the policies of Core Strategies/Local Plans:

- Barnet’s Local Plan (Core Strategy) (adopted September 2012);
- Bexley Core Strategy (adopted February 2012);
- Ipswich Core Strategy & Policies Development Plan Document (adopted December 2011);
- Harborough District Core Strategy (adopted November 2011);
- Merton Core Planning Strategy (adopted July 2011);
- Rugby Core Strategy (adopted June 2011);
- Oxford Core Strategy (adopted March 2011);
- Shropshire Core Strategy (adopted February 2011);

- South Buckinghamshire Core Strategy (adopted February 2011);
- Wyre Forest Core Strategy (adopted December 2010);
- St Edmundsbury Core Strategy (adopted December 2010);
- Enfield Core Strategy (adopted November 2010);
- Hackney Core Strategy (adopted November 2010);
- Forest Heath Core Strategy (adopted May 2010);
- Leicester City Council Core Strategy (adopted January 2010);
- Wokingham Borough Core Strategy (adopted January 2010);
- Waveney Core Strategy (adopted January 2009); and
- North Northamptonshire Core Spatial Strategy (adopted June 2008).



Department for  
Communities and  
Local Government

Mr Nick Gargan  
Avon & Somerset Constabulary  
Head of ACPO Finance and Resources  
Business Area,  
Association of Chief Police Officers of  
England, Wales and Northern Ireland  
1st Floor, 10 Victoria Street  
London, SW1H ONN

Our Ref:  
Your Ref:

9 December 2013

Dear Mr Gargan,

**The Community Infrastructure Levy and the Police**

Your predecessor Mr Nigel Brook, Assistant Chief Officer of West Yorkshire Police, wrote to my predecessor Ruth Stanier on 15 April concerning the Community Infrastructure Levy and its ability to fund policing infrastructure. Your colleague Andrew Morgan has since emailed a copy of Mr Brook's letter to me and I am replying as the Deputy Director now responsible for the levy in this department. I apologise for the delay in doing so.

You mention that the Community Infrastructure Levy regulations have been subject to amendment and wished to confirm the position set out in Miles Gibson's letter of 14<sup>th</sup> January 2011. The definition of infrastructure, as Miles described, remains broad and inclusive. The Localism Act 2011 changed the definition of infrastructure in relation to the Levy to clarify that the provision, improvement, replacement, operation or maintenance of infrastructure was included. It also introduced powers to ensure a proportion of the Levy was passed to parish councils and local communities – which can be spent on infrastructure and addressing the demands that development places on an area.

The Overview Document referred to in Miles' letter, which includes a reference to "police stations and other community safety facilities" is still extant (though is likely to be replaced shortly as part of a move to consolidated guidance).

So Government amendments to the levy regulations have not removed a charging authority's ability to use the levy to fund policing infrastructure. Nor will changes to the regulations which we recently consulted on. As before, local authorities should be working with their partners to identify and prioritise infrastructure needs (and most should have a local plan, which sets out these identified needs). While the Levy will

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make a contribution to meeting these needs it will need to be considered alongside other funding streams.

You might be interested to know that to date 29 local authorities have adopted and are charging the levy and at least another 75 have taken significant steps towards doing so

I hope this letter provides the assurance you require but please do not hesitate to contact me if any further clarification is needed.

Yours sincerely,

  
Mark Lee

Deputy Director  
Planning – Economy and Society

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# No5 CHAMBERS

BIRMINGHAM • LONDON • BRISTOL

## PLANNING OBLIGATIONS AND POLICE CONTRIBUTIONS

### ADVICE

**IAN DOVE QC**

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Birmingham B4 6DR

Tel: 0121 606 0500 Fax: 0121 606 1501

E-mail: [id@no5.com](mailto:id@no5.com)

## PLANNING OBLIGATIONS AND POLICE CONTRIBUTIONS

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### ADVICE

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1. In this matter I am instructed on behalf of the Association of Chief Police Officers (“ACPO”) in relation to issues arising in respect of securing contributions towards Police services as part of the development control and Community Infrastructure Levy regime. I previously provided advice on the 20<sup>th</sup> October 2009. In many respects that advice has now been overtaken by events and a principal purpose of the present advice is to bring matters up to date.
2. Since my previous Advice there have been some important developments. In terms of the law the Community Infrastructure Levy Regulations 2010 have now come into force. Of particular importance in relation to the issues to be addressed are Regulations 122 and 123. These Regulations provide as follows:

*“122(2): A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is –*

- (a) Necessary to make the development acceptable in planning terms;*
- (b) Directly related to the development; and*
- (c) Fairly and reasonably related in scale and kind to the development.*

*...*

*123(2) A planning obligation may not constitute a reason for granting planning permission for the development to the extent that the obligation provides for the funding or provision of relevant infrastructure.*

*(3) A planning obligation (“obligation A”) may not constitute a reason for granting planning permission to the extent that –*

- (a) Obligation A provides for the funding or provision of an infrastructure project or type of infrastructure; and*
- (b) Five or more separate planning obligations that –*

- i. relate to planning permissions granted for development within the area of the charging authority; and*
- ii. which provide for the funding or provision of that project, or type of infrastructure,*  
  
*have been entered into before the date that Obligation was entered into.*

*(4) In this Regulation... "Relevant determination" means –*

- a. In relation to paragraph (2), a determination made on or after the date when the charging authority's first charging schedule takes effect; and*
- b. In relation to paragraph (3), a determination made on or after the 6<sup>th</sup> April 2014 or the date when the charging authority's first charging schedule takes effect, whichever is the earlier; and*

*"relevant infrastructure" means*

- (a) Where a charging authority has published on its website a list of infrastructure projects or types of infrastructure that it intends will be, or may be, wholly or partly funded by CIL, those infrastructure projects of types of infrastructure, or*

*(b) When no such list has been published, any infrastructure.”*

3. In relation to policy since my previous Advice Circular 05/2005, which contained in particular provisions in relation to pooled contributions for infrastructure, has been superseded by the National Planning Policy Framework. The Framework provides the following simplified advice in relation to planning obligations:

*“203. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.*

*204. Planning obligations should only be sought where they meet all of the following tests:*

- Necessary to make the development acceptable in planning terms;*
- Directly related to the development; and*
- Fairly and reasonably related in scale and kind to the development.*

205. *Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.”*

4. Whilst the previous advice in relation to pooling contributions has not been repeated it is a clear inference from the provisions of the Regulations that pooled contributions towards infrastructure can continue to occur. The drafting of Regulation 123 is complex, but its effect is that under Regulation 123(2) obligations cannot be taken into account after the date of the introduction of an authority's first CIL schedule if they relate to contributions to infrastructure which are included on a list published by the authority of infrastructure to be funded by CIL (or if there is no such list all infrastructure). Under Regulation 123(3) obligations cannot be taken into account after the date of the introduction of an authority's first CIL schedule takes effect or 6<sup>th</sup> April 2014 (whichever is the earlier) if there are already five s106 obligations in place funding the infrastructure which is the subject of the obligation in question. Against this background it is clear that there will remain circumstances (albeit far more limited than at present) where pooled contributions may occur.

5. Having noted these changes to the regime in which contributions can be sought it is necessary to engage with a number of issues which arise in the context of the alternative sources of contribution.
6. Dealing firstly with CIL. The first point to note is that “*infrastructure*” is not a narrowly defined term. Section 216 of the Planning Act 2008 provides a list of “*infrastructure*” but is clear that that list is non-exhaustive. That fact is demonstrated by the use of the word “*includes*” prior to the list being set out. In my view there is no difficulty in the proposition that contributions towards Police infrastructure can be within the definition of infrastructure for the purposes of the 2008 Act. In policy terms this is reinforced by the reference to security infrastructure in paragraph 156 of the National Planning Policy Framework.
7. Furthermore infrastructure is of course not limited to buildings. In the context of the police’s infrastructure the kind of items which could be included have been provided in my instructions and includes equipment such as vehicles and bicycles, communications technology and surveillance infrastructure such as CCTV equipment.
8. In settling the level of the CIL schedule, Regulation 14 of the 2010 Regulations requires the planning authority to strike a

balance between viability of development and the desirability of funding the “*total cost of infrastructure required to support the development of its area*” taking account of other sources of funding. Cross-boundary issues will be included through the discharge of the duty to co-operate.

9. It follows from this and what has been set out above that the test which is posed in relation to the inclusion of items within the CIL schedule posed by Regulation 14 is very different to the test under Regulation 122. Regulation 122 relates to planning obligations and requires the three tests to be passed in relation to site specific planning obligations. In setting the CIL schedule the test is different. What is required in setting the level of the levy is an understanding of the costs of infrastructure “*required to support the development of its area*”.
10. Thus there will be a relationship between the infrastructure on the schedule and the development which is anticipated across the local authority’s area but because it is an overarching calculation questions of necessity and direct relationships do not arise. Provided that the infrastructure is required for the development in the area, it qualifies for inclusion on the Schedule. The two factors which will then potentially reduce the level of the levy are other sources of funding for the same infrastructure and issues related to development viability.



11. The other important feature of the 2010 Regulations is that in setting the Schedule the local planning authority need to produce “*relevant evidence*” as the basis on which they have prepared the Schedule. Beyond being relevant to demonstrating that the infrastructure is required to support the development of its area no further strictures are required by the Regulations.

12. Clearly, given the long timescales of Development Plan Documents (usually looking at 15-20 years ahead) it is necessary for the relevant evidence to address the infrastructure that will be required to support development during that period. To this extent therefore the evidence will need to reflect the timescales of the forward planning process. Relevant evidence will undoubtedly include forward plans and strategies and the planned provision of infrastructure over that lengthy time period. It will be necessary to show firstly the relationship between the development anticipated and the infrastructure requirements to which it gives rise. Secondly it will be necessary to demonstrate that there are real plans for investment which have been settled into which the requirement fits. This requires therefore a fully formed future infrastructure plan with a commitment to delivery in relation to infrastructure generally and (perhaps coincidentally) the delivery of infrastructure associated with growth occurring. The plans must be realistic and costed. This is the relevant evidence

which will be necessary in order to establish that they should be included within the CIL schedule.

13. In this connection it is material to note that the provisions of the Town and Country Planning (Local Planning) (England) Regulations 2012. Regulation 2 (1), provides that "relevant authority" includes a local policing body for the purpose of consultation as to the contents of Local Plans. Clearly the Government expects that police concerns and interests should be accounted for within the planning system. Police are a legitimate stakeholder in this system.

14. Once collected Regulation 59 of the 2010 Regulations requires that the authority must spend the funds on infrastructure within its own area and further provides for a discretion for it to be spent on infrastructure outside its area. I see no reason for concluding that any different approach should be taken to the charging authority holding funds which have been levied against the costs of infrastructure to be provided by others that applies in relation presently to planning obligations. It will be therefore necessary for the charging authority to pass on to a relevant infrastructure provider the cost of infrastructure which has been levied by the CIL in order to enable that

infrastructure provider to deliver the infrastructure required to support the development which has been granted permission.

15. Regulation 61 enlarges the powers of the charging authority to include for the reimbursement of expenditure which has already been incurred. Obviously the detailed administration of funds raised through CIL may vary from authority to authority but plainly it would be perverse for a charging authority having levied monies against a CIL schedule in which Police contributions featured to then fail to pass that element of the levy on which was intended to support the provision of further Police infrastructure.

16. I turn now to consider the situation in relation to individual site contributions. It is important to appreciate that many of the adopted CIL schedules proceed on the basis of a Regulation 123 List of projects which are to be funded from CIL leaving other elements of infrastructure to be delivered on a site by site basis. This can happen in particular in respect of development plans which contain large allocations of development which can be expected to provide a comprehensive package of infrastructure solutions based on their own individual development.

17. Whilst these contributions are raised on the basis of the specific impact of an individual site two further points should

be observed. Firstly, whilst the impact is related to the site, it is not limited to on-site impacts. It may, for instance, relate to the need to address off-site junction improvements caused by increased traffic from the development. Secondly, as set out above pooled contributions may be sought but subject to the limitations already rehearsed.

18. The extent to which individual site contributions can be sought depends upon the scope of the definition of “*necessary*”. This question was considered recently by the Court of Appeal in the case of Derwent Holdings v. Trafford Borough Council & others [2011] EWCA Civ 832. The case concerned the validity of a planning permission granted in respect of a proposed development in two parts, firstly a large superstore and secondly the redevelopment of the Old Trafford Cricket Ground. If permission was granted then the proceeds of sale of the Council’s land on which the superstore was to be sited were to be passed on to Lancashire County Cricket Club to subsidise the redevelopment of their cricket ground. The challenge was brought on the basis of a failure to take account of relevant guidance in relation to the planning agreement. In concluding in relation to the submissions made by the Claimant Carnwath LJ (as he then was) stated as follows:

*“15. Like the Judge, I am unable to accept this argument. We are entitled to start from the presumption that those members*

*who voted for the proposal were guided by the officer's advice. If so, they would have understood that they should consider the merits of the two parts of the proposal separately. They would have found in the officer's report sufficient reasons to conclude that, so viewed, they were acceptable in planning terms. At the same time they would have been aware that the proposal that was being put forward is not merely acceptable, but is carrying with it significant regeneration benefits, including the improvement to the cricket ground. The offer of a legal agreement to secure those benefits would no doubt have added to the attractions of the proposal. That does not mean that it was regarded as necessary to offset some perceived planning objections. Nor is there anything in the officer's report to suggest that it was. There is nothing objectionable in principle in a Council and a developer entering into an agreement to secure objectives which are regarded as desirable for the area, whether or not they are necessary to strengthen the planning case for a particular development."*

19. Thus in that case it can be seen that the Court of Appeal did not take a strict approach to the requirement of the Regulations in respect of the necessity of the obligation to make the development acceptable in planning terms. It may be that further clarification is required by the Courts of the test of necessity. There is no reason, however, in principle to suggest that contributions towards Police infrastructure cannot

be sought from a Section 106 obligation from an individual site. It will however be necessary to demonstrate that either on-site or off-site infrastructure is necessary and directly related to the impact of the development which is being granted consent. Furthermore it will obviously be necessary to demonstrate that any contribution will in fact be used in order to pay for infrastructure which will actually be delivered.

IAN DOVE QC

26<sup>th</sup> December 2012

PLANNING OBLIGATIONS AND  
POLICE CONTRIBUTIONS

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**ADVICE**

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Simon Dackombe

Strategic Planner

Thames Valley Police

## 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](http://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](mailto: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](http://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)

\* 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	Mr		
First Name	Andrew		
Last Name	Morgan		
Job Title (where relevant)	Estate Strategic Planner		
Organisation (where relevant)	Warwickshire Police and West Mercia Police		
Address Line 1	Estate Services HQ		
Address Line 2	Hindlip Hall		
Address Line 3	PO Box 55		
Address Line 4	Worcester		
Postcode	WR3 8SP		
Telephone number	01905 332885		
Email address	andrew.morgan.60139@westmercia.pnn.police.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"/>

For Official Use Only

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:	<input type="text" value="Local Plan"/>
Paragraph Number:	<input type="text"/>
Policy Number:	<input type="text" value="HS1 Healthy, Safe and Inclusive Communities"/>
Policies Map Number:	<input type="text"/>

### 5. Do you consider the Local Plan is :

5.1 Legally Compliant?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
5.2 Complies with the Duty to Co-operate?	Yes	<input checked="" type="checkbox"/>	No	<input 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 type="checkbox"/>
Justified:	<input type="checkbox"/>
Effective:	<input checked="" type="checkbox"/>
Consistent with National Policy:	<input checked="" type="checkbox"/>

For Official Use Only

Person ID:

Rep ID:

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.

Please see the enclosed sheets.

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.**

Please see the enclosed sheets.

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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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:

Whilst we consider that these representations present our case fully, we would be prepared to participate at the examination should the Council and/or the Inspector consider this beneficial to proceedings.

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:

Andrew Morgan

Date :

26 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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## 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](http://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](mailto: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](http://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)

\* 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	Mr		
First Name	Andrew		
Last Name	Morgan		
Job Title (where relevant)	Estate Strategic Planner		
Organisation (where relevant)	Warwickshire Police and West Mercia Police		
Address Line 1	Estate Services HQ		
Address Line 2	Hindlip Hall		
Address Line 3	PO Box 55		
Address Line 4	Worcester		
Postcode	WR3 8SP		
Telephone number	01905 332885		
Email address	andrew.morgan.60139@westmercia.pnn.police.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:	<input type="text" value="Local Plan"/>
Paragraph Number:	<input type="text"/>
Policy Number:	<input type="text" value="HS7 Crime Prevention"/>
Policies Map Number:	<input type="text"/>

### 5. Do you consider the Local Plan is :

5.1 Legally Compliant?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
5.2 Complies with the Duty to Co-operate?	Yes	<input checked="" type="checkbox"/>	No	<input 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 type="checkbox"/>
Justified:	<input type="checkbox"/>
Effective:	<input checked="" type="checkbox"/>
Consistent with National Policy:	<input type="checkbox"/>

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Andrew Morgan

Date :

26 June 2014

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