

## Publication Draft Local Plan: Focused Consultation 2014

For Official Only	
Person ID	
Rep ID	

This consultation is a formal process and represents an opportunity to comment on the Council's Local Plan and accompanying Sustainability Appraisal (SA) in light of the information published in the "Focussed Consultation" 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 12 December 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		Chris
Last Name		May
Job Title (where relevant)		Senior Associate
Organisation (where relevant)	Mallory Court Hotel	Marrons Shakespeares
Address Line 1		1 Meridian South
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## 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?

Plan (tick one only):

Focused Changes [] Sustainability Appraisal [

Paragraph Number:

2.60 to 2.65; 4.67 to 4.70; 1.19 to 1.28

Policy Number:

DS14; DS11; H7

Policies Map Number:

Policies Map 2

### 5. Do you consider the 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.

Please see attached Statement

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.

Return to previous draft of DS14 and removal of reference to Community Stadium in DS11: H01

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:

To present the key points set out within the submitted accompanying statement to the Inspector and to ensure these significant and important matters are properly considered pursuant to the Examination.


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 :

11/12/14

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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Rep ID:

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**REPRESENTATIONS TO WARWICK DISTRICT LOCAL PLAN  
PUBLISHED DRAFT LOCAL PLAN: FOCUSED CONSULTATION**

**On behalf of  
MALLORY COURT HOTEL**

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**DECEMBER 2014**



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Leicester  
LE19 1WY**

**Telephone: 0116 289 2200  
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**File Ref: CM 931743.1**

## 1. Introduction

- 1.1 We act on behalf of Mallory Court Hotel of Harbury Lane, Leamington Spa, Warwickshire CV33 9QB and submit these Representations at the Focused Consultation Stage of the emerging Warwick District Local Plan.
- 1.2 Whilst the Focussed Changes appear narrow in terms of revised allocations, the implications of those proposed changes are wider and encompass matters of relevance to gypsy and traveller provision, by virtue of the inclusion of the Community Stadium in DS14 which may facilitate the release of the current Leamington Football Club ground for a gypsy and traveller site and release of additional employment land together with a new gypsy site at Stratford Road.
- 1.3 The content of these Representations therefore relates to those aspects of the emerging Local Plan. We also request that we are able to participate on behalf of our client at the oral part of the Examination into the Local Plan
- 1.4 We have significant concerns with the following aspects of the emerging Local Plan:
  - 1.4.1 Soundness of inclusion of Community Stadium within draft Policy DS11 Site: H01 and amendment to "Allocation of Land for a Community Stadium and associated uses" for draft Policy DS14;
  - 1.4.2 Compliance with the Duty to Co-operate in the context of Gypsies and Travellers Accommodation Needs (draft Policy H7 and supporting paragraphs);
  - 1.4.3 Consistency with National Policy in relation to Gypsies and Travellers (draft Policy H7 and supporting paragraphs); and
  - 1.4.4 Soundness of provisions relating to Gypsies and Travellers (draft Policy H7 and supporting paragraphs).
- 1.5 For the reasons given below we submit that the emerging Local Plan fails to comply with the Duty to Co-operate, fails to comply with the legal requirement to have regard to national policy and is unsound. The failure to comply with the Duty to Co-operate is likely to be fatal to the Local Plan. Consistency with National Policy and matters of soundness may be capable of being addressed.

## 2. Soundness of inclusion of Community Stadium within Policy D14

- 2.1 The revised allocation to include a Community Stadium within draft Policy D14 is considered unsound as it is not based on any evidence to suggest a Community Stadium is required and there appears to be no consideration as to whether, if a Community Stadium was considered to be needed, alternative sites have been considered and discounted.
- 2.2 It is surprising that the emerging Local Plan deems it necessary to make provision for a Community Stadium at such a late stage in its progress. There appears to have been no reference to a Community Stadium within the early draft of the Local Plan and there appears to be no evidence base to suggest any need or requirement for a Community Stadium. Whilst previous paragraph 2.63 referenced a "small stadium", this is clearly significantly different to a "Community Stadium" (hence the need for the draft allocation to be amended). In such circumstances, there appears to be no evidence whatsoever which identifies whether a requirement for a Community Stadium has been explored or to suggest its impacts have been properly assessed.
- 2.3 It is very difficult to understand the basis and justification for this significant amendment at a late stage in the process, especially given the lack of evidence base which indicates any need or requirement for a community stadium. Any justification arising from a desire to relocate Leamington FC to enable the release of its current ground for draft allocation GT04 in the emerging Sites for Gypsies and Travellers Plan, is considered wholly unsound and outside of the matters that should properly be taken into account in including a new allocation in an emerging plan. In this regard, we attach a copy of a recent leaflet circulated by the football club to its members which sets out some concerning "agreements" between the Council and the football club such as:

*"The proposed site is being offered free of charge and will be leased to Leamington Football Club for a period of not less than 150 years.*

*A peppercorn rent (very small payment) will be paid for the duration of the lease.*

*A community stadium of not less than 5000 capacity with mandated requirements will be erected upon the site.*

*Leamington Football Club will have sole ownership and responsibility for the site, stadium and facilities.*

*All revenue for the stadium will go to Leamington Football Club.*



*All administrative and financial management will be the responsibility of Leamington Football Club”*

- 2.4 It would appear that the Stadium is proposed to be erected and then that both the Stadium and the site is long leased to the football for no cost other than a peppercorn rent. Once the football club have received the stadium, the club receive all revenue for the stadium and undertaken all administrative and financial management. Those “agreements” between the Football Club and the Council are considered, at best, inappropriate and potentially unlawful as they appear to indicate that the Community Stadium allocation has derived from some form of “deal”, unrelated to planning, and which clearly favours a private organisation. The inclusion of a proposed allocation to facilitate such “agreements” cannot be appropriate or sound.
- 2.5 The simple fact that the amended allocation is unsupported by any objective analysis as to a requirement for a community stadium indicates that the emerging Local Plan has not been positively prepared or that the Local Plan is justified in this regard.
- 2.6 The removal of any requirement to provide local retail facilities, a community meeting place and a medical centre is also of significant concern. Such uses provide clear community benefits which would patently not be met by a Community Stadium. The loss of these facilities would be detrimental to the surround housing (including proposed allocations) and would be contrary to sustainable development principles unless accommodated at an alternative appropriate site which could be readily accessed by potential occupiers of the residential development within the vicinity. The loss of these facilities would therefore be contrary to national policy, especially those relating to sustainable modes of transport (including NPPF paragraphs 29, 32, 35 and 17) and promoting health communities (NPPF section 8).
- 2.7 It is considered that the revised allocation is therefore unsound and DS14 and DS11: HO1 should be modified to its previous draft.

### **3. Duty to Co-operate**

- 3.1 In our view the Council has failed to comply with the duty to co-operate in relation to assessing gypsy and traveller accommodation needs and how best to meet those needs pursuant to the emerging Local Plan.
- 3.2 Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended) (“P&CPA 2004”) requires the Council to co-operate in maximising the effectiveness of

plan making and to engage constructively, actively and on an ongoing basis with neighbouring planning authorities and prescribed bodies when preparing Development Plan documents with regard to a strategic matter. This is defined as sustainable development or use of land which has, or would have, a significant impact on at least two planning areas, including the sustainable development or use of land for strategic infrastructure.

- 3.3 The Duty to Co-operate (“DTC”) is an ongoing requirement throughout the preparation of the Plan. Whilst it does not need to result in a positive agreement between the relevant authorities and prescribed bodies, local authorities should make every effort to secure the necessary co-operation of strategic cross-boundary matters before they submit their Local Plan for examination. As the Council will be aware, effective co-operation is likely to require sustained joint working with concrete actions and outcomes. The National Planning Policy Framework (“NPPF”) at paragraphs 178 to 181 sets out the policy and guidance framework in relation to DTC.
- 3.4 Paragraph 156 of the NPPF sets out what should be included within strategic priorities and includes “*the homes...needed in the area*”. The NPPF (footnote 34) also refers to ‘Planning Policy for traveller sites’ (DCLG March 2012) (“the PPTS”).
- 3.5 The PPTS highlights the need for local authorities to work collaboratively with other local authorities to prepare and maintain an up-to-date understanding of the likely permanent and transit gypsies and travellers’ accommodation needs of their areas.
- 3.6 Further guidance is contained in the National Planning Practice Guidance (“NPPG”). Of particular relevance in the NPPG is paragraph ID9 – 011 – 2014306 which sets out that the duty “*is unlikely to be met by an exchange of correspondence, conversations or consultations between authorities alone*”.
- 3.7 The Gypsy and Traveller Accommodation Needs Assessments Guidance (CLG October 2007) (“the Needs Assessment Guidance”) is also of relevance. It states at paragraph 20 that “*The aim of [a Accommodation Needs] assessment is to provide data which will identify Gypsy and Traveller accommodation need separately from wider demand and aspiration, in the same way as for the rest of the population. As in the case of the Strategic Housing Market Assessment, it should expressly identify all accommodation need which has been revealed*” and, at paragraph 21, “*A key aim of the wider Strategic Housing Market Assessment is to provide the basis on which to allocate resources, including for Gypsy and Traveller provision*”.

- 3.8 It is clear from the emerging Local Plan that there has been extremely limited, if any, appropriate co-operation between the authorities of the wider area or the South Housing Market Area of the West Midlands Region in relation to identification of the accommodation needs of gypsies and travellers within the area and how that need could be best met.
- 3.9 The available information demonstrates that, in the context of gypsies and travellers' needs, the following authorities have responded to the consultation exercises:
- 3.9.1 Rugby BC replied once to state that it had "*no issues with the proposals*";
  - 3.9.2 Coventry CC replied once stating that the approach to meeting the projected need was welcomed;
  - 3.9.3 Solihull MBC advised on 7 February 2013 that it did its own gypsies and travellers' accommodation needs assessment as Warwick DC were not in a position to undertake work related to "joint working with neighbouring authorities" on gypsies and travellers' accommodation needs when suggested by Solihull MBC to Warwick DC prior to Solihull's gypsies and travellers' accommodation needs assessment;
  - 3.9.4 Stratford on Avon DC responded in the context of site selection for potential sites but not in the context of need. It also identified that Warwick DC did not respond to Stratford On Avon DC's consultation on its Gypsy and Traveller Local Plan.
- 3.10 The need of 31 pitches identified within draft Policy H7 and draft paragraph 4.67 is based wholly on the conclusions of the "Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessment: Warwick" produced by Salford Housing and Urban Studies Unit of the University of Salford (November 2012) ("GTAA").
- 3.11 We comment on the robustness of the GTAA further below but for the present purposes it would appear that the Council has failed with regard to its Duty to Co-operate in the context of gypsy and traveller needs and how those needs are best met by virtue of the following:
- The GTAA is based solely on the needs or the asserted needs of Warwick District without any regard to the surrounding authorities' needs. The appropriate approach would have been to consider the needs of a wider area or the relevant

strategic housing market area<sup>1</sup> before determining whether those needs could be isolated in the context of one specific district. The very nature of gypsy and traveller communities result in a form of “nomadic” lifestyle which is not limited simply to one district and must be considered on a wider basis. In this context it is clear that the Council has not worked co-operatively with surrounding authorities to understand gypsies and travellers’ accommodation needs within the area and thereby has failed to effectively cooperate with its neighbours on the strategic priority of gypsies and travellers needs in the area. The limited co-operation in the context of establishing need is far removed from the requirements for a “*continuous process and engagement*” required by the NPPF and falls within the identified failure of the duty in the NPPG of being “*unlikely to be met by an exchange of correspondence, conversations or consultations between authorities alone*”;

- The failure in its DTC with the adjoining authorities in the context of establishing need is exacerbated by the failure of the Council in its DTC with regard to understanding how best that need could be met; the emerging Local Plan assumes that the identified need in the GTAA must be met within its administrative area without regard to whether more appropriate sites could accommodate, or assist in accommodating, that need within surrounding authorities’ areas. This approach is, again, far removed from the requirements for a “*continuous process and engagement*” required by the NPPF.

3.12 This approach by the Council has led to the level of need for gypsies and travellers’ accommodation formulated at a district level without regard to surrounding authorities’ potential gypsies and travellers’ needs and the decision to attempt to address the full “identified” needs within the District without any regard to the surrounding authorities’ position on accommodation needs and ability to meet those needs. This is the antithesis of co-operation with surrounding authorities on a strategic matter and creates an isolated (and flawed) understanding both of accommodation needs and how best to meet those needs.

#### **4. Consistency with National Policy**

4.1 It is submitted that the Council has failed in its legal requirement to have proper regard to national policy and that the emerging Local Plan is not consistent with national policy.

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<sup>1</sup> Required by Gypsy and Traveller Accommodation Needs Assessment: Guidance (CLG 2007)

- 4.2 Section 19 (2) of the P&CPA 2004 requires, inter alia, the Council to have regard to national policies and advice contained in guidance issued by the Secretary of State in the course of preparation of the Local Plan. Proper regard to national policy is therefore a legal requirement for the emerging Local Plan.
- 4.3 Consistency with national policy is also a matter of soundness set out in paragraph 182 of the NPPF.
- 4.4 The NPPF requires LPAs to ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area (paragraph 158); to have a clear understanding of housing needs in their area (paragraph 159) and that Plans are based on joint working and co-operation to address larger than local issues (paragraph 17).
- 4.5 The PPTS reiterates the requirement for a robust evidence base (paragraph 6) and for the LPA to set pitch targets which address the likely permanent and transit site accommodation needs of their area, working collaboratively with neighbouring local planning authorities (paragraph 8).
- 4.6 Paragraph 182 of the NPPF also requires plans to be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
- 4.7 For the reasons given previously, it is patently clear that the Council has failed with regard to a collaborative approach with surrounding authorities in relation to accommodation needs and therefore has failed to have proper regard to national guidance and policy in this regard.
- 4.8 It is also considered that the Council has failed to prepare robust, up-to-date and relevant evidence to establish its accommodation needs. The main concern is the inadequacy of the GTAA which wholly informs the Council's identified needs for gypsies and travellers' accommodation needs. It simply cannot be relied on as appropriate evidence to establish that the emerging Local Plan is sound.

#### **Robustness and adequacy of GTAA**

- 4.9 The GTAA was commissioned by the Council in April 2012 and published November 2012. Its base date used for the assessment is expressed to be 29 May 2012. There

are numerous concerns with the adequacy of the GTAA which are explored below.

### **Definition of Gypsies and Travellers**

- 4.10 The GTAA is unclear but indicates that it uses the definition of gypsies and travellers required by the Housing Act 2004 and the “new planning policy” definition (although not stated, it would appear that the “new planning policy” is ‘Planning for traveller sites’ DCLG March 2012) and has regard to each one “where it is considered appropriate to do so” (paragraph 2.19).
- 4.11 The lack of clarity in terms of defining ‘gypsies and travellers’ is unhelpful but it must also be noted that the Government has recently (on 23 November 2014) concluded consultation in relation to, inter alia, amendments to the definition of ‘gypsies and travellers’ for the purposes of planning pursuant to ‘Consultation: planning and travellers (“the Consultation”).
- 4.12 The amendments that are the subject of the Consultation relate to the removal of people who have ceased to travel permanently falling within the definition of gypsies or travellers. The reason given by the Government is “*that for planning purposes the Government believes a traveller should be someone who travels*” (paragraph 2.4).
- 4.13 Whether the GTAA is based on the definition within the Housing Act 2004 or the one in Planning for Traveller Sites, it is clear that the GTAA’s conclusions on accommodation needs is based on including people who have ceased to travel permanently.
- 4.14 Whilst clearly the Government’s proposed amendments were outside of the knowledge of the authors of the GTAA in November 2012, in the event the Government proceed to update Planning Policy for Traveller Sites in the terms identified (anticipated in the near future), the accommodation needs identified within the GTAA would be wrong.
- 4.15 It is also considered that the GTAA cannot be relied on as a robust assessment of the gypsy and traveller accommodate needs. This clearly has substantial implications for the draft Local Plan which wholly relies on the conclusions of the GTAA to quantify its gypsy and traveller accommodation needs.

### **Failure to understand adjoining authorities’ accommodation needs**

- 4.16 The GTAA fails to have any regard to the surrounding authorities’ accommodation

needs or supply. This is considered to be a fatal flaw in the context of attempting to identify need as, by the very nature of “a nomadic habit of life”<sup>2</sup> it is clearly the case that district boundaries should not be treated as defining the extent of the travelling communities’ area. Such a position is supported by the NPPF, the NPPG, the PPTS and the Needs Assessment Guidance.

- 4.17 Whilst the principle of having no regard to surrounding authorities accommodation needs and supply is considered wholly unacceptable, it is of particular concern in the present case were asserted accommodation needs are based predominately on unauthorised developments and unauthorised encampments. It is extremely likely, on the information presented, that the 2011 unauthorised encampments identified would involve gypsies and travellers who had been present within surrounding authorities over that same period, especially given the short durations of the encampments (maximum 16 days) and without a “joined up” approach with surrounding authorities it is plausible, if not probable, that there has been many elements of double, triple or even more duplicate counting. The survey results (paragraph 5.8) provide further support for this conclusion given that 87% of respondents had only been in the general area for less than a month and only 6.7% had been in the general area for more than 6 months. It is unclear why the GTAA did not specifically request the information in relation to the District (given that the GTAA is expressed only to relate to the District) but it is anticipated that periods within Warwick District area would be significantly less than those within the wider general area.
- 4.18 Paragraph 5.29 of the GTAA provides further evidence that the respondents did not view Warwick District as any form of “base”: none of the respondents gave any information as to how long they usually stayed in Warwick District with 13% advising it was their first time in the District; the majority of the respondents travelled around with specific locations outside of Warwick District identified (Coventry, Loughborough, Nuneaton, Derby and Carlile).
- 4.19 Assumption on need, in the context of ‘new household formation’ and ‘net movement from housing to sites’ as well as with the ‘unauthorised encampments’ and ‘unauthorised developments’, being required to be met in Warwick District without any regard to need and supply in the surrounding authorities’ must be wholly undermined as, clearly, there is no evidence to indicate that the gypsies and

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<sup>2</sup> The Housing (Assessment of Accommodation Needs) (Meaning of Gypsies and Travellers) (England) Regulations 2006 (Statutory Instrument: 2006 No. 3190) (Department for Communities and Local Government - November 2006)

travellers involved could or would not have any needs met on sites in the general area, which clearly includes surrounding authorities' areas.

#### **Concerns with reliability of information and conclusions**

- 4.20 There appears to be inconsistency in relation to the estimated households within the District with reference to 33 in paragraph 3 of the Executive Summary and on page 64 but with reference to 43 households living across Warwick District made in paragraph 3 of the Executive Summary, paragraph 1.3 of the main report and again on page 64. It is unclear where this difference arises from other than the GTAA stating that there are 33 "resident" households and 43 households "living across Warwick District". However, the information given in paragraph 3.5 and Table 3.2 suggests that 33 households may be a more reliable figure. 33 households equates to a total population for Warwick District of 124 individuals in accordance with the GTAA.
- 4.21 Of those 33 households it is recorded that 25 households are living in bricks and mortar accommodation leaving only 9 households outside of such accommodation. Those 25 households are considered to equate to 90 individuals leaving only 34 individuals of the total gypsy and traveller population of Warwick District not housed in bricks and mortar accommodation.
- 4.22 In accordance with Table 8.1 of the GTAA, which purportedly sets out Accommodation Need, only one pitch is required in terms of movement from housing to sites (although the robustness of this assumption is challenged below). This means that of the total gypsy and traveller population in Warwick District only 10 households appear to require pitches. In such circumstances it is extremely difficult to understand how that requirement becomes 31 pitches in the GTAA especially given that there is no regard to surrounding authorities' needs (which could explain any required inflation).
- 4.23 The above shows that a 31 pitch requirement equates to over three times the number of pitches required to accommodate the existing population of Warwick (ie 9 households currently on sites and 1 household movement from bricks and mortar housing to a pitch). This cannot be tenable.
- 4.24 It would appear that, from Table 3.1 only 16 caravans have been recorded at 'not tolerated' unauthorised developments since July 2010 and no 'not tolerated' caravans recorded since July 2006 with the exception of the 8 recorded in July 2010. 16



caravans equates to 10 pitches pursuant to paragraph 2.27 of the GTAA (based on 1.6 caravan to pitch ratio) or 9.4 pitches pursuant to CLG guidance (based on 1.7 caravan to pitch). 8 caravans equates to 5 pitches or 4.7 pitches respectively. This information appears to be ignored by the GTAA for the purpose of identifying need, with the information provided in 2011 on unauthorised encampments being considered determinative. It is unclear why the GTAA has “cherry picked” the 2011 information and ignored the information within Table 3.1.

4.25 Turning to the conclusions of the GTAA in terms of accommodation needs as expressed in Table 8.1, there are the following substantial concerns:

4.25.1 Row 6: New household formation. The GTAA assumes that because a daughter of a family currently living in bricks and mortar accommodation was getting married in the next 2/3 years, that daughter would require a pitch (rather than bricks and mortar accommodation) and that the pitch would need to be in Warwick (paragraph 8.14 and 7.10). Such an assumption cannot be reliable given that the future husband may already have accommodation or may not wish to remain in Warwick District. Row 6 should therefore be “0”;

4.25.2 Row 7: Unauthorised developments. The GTAA assumes that every pitch occupied on unauthorised developments equates to need for a new pitch in Warwick District. Such an approach is flawed given that over 72% of the current population of the District reside in bricks and mortar accommodation, in accordance with GTAA Table 3.3, it must be expected that individuals may be expected to move to bricks and mortar. Further, there is no consideration as to whether the occupiers of the unauthorised developments could have their needs met outside of Warwick District. Row 7 should therefore be no more than “2” pitches, which equates to 28% of unauthorised developments pitches;

4.25.3 Row 8: Net movement from housing to sites. Paragraph 7.3 identifies that the 1 individual who purportedly needs a pitch had been living in bricks and mortar for 3 to 5 years and been in area for 10 years. Accommodation needs are clearly be met in relation to this individual and simply wanting to move to a pitch cannot amount to “need” for a pitch. It is also noted that the survey does not appear to seek any

information in relation to gypsies and travellers currently on a site but which would like to move or not object to moving to bricks and mortar accommodation. Given that over 72% of the current population of the District reside in bricks and mortar accommodation, in accordance with GTAA Table 3.3, it must be expected that individuals may be expected to move to bricks and mortar. Row 8 should be "0";

- 4.25.4 As detailed above, Table 3.1 identifies a maximum of 8 caravans (in July 2010) at unauthorised encampments since July 2006, which equates to circa 5 pitches. This is significantly below the identified number of households in paragraph 8.18 of 81 households, which equates to 81 pitches. Of course the 81 households calculated is between 2 and 3 times the identified number of households in Warwick District elsewhere within the GTAA (expressed as either 33 or 43 throughout the GTAA) and over 8 times the estimated number of households in the District not in bricks and mortar;
- 4.25.5 It is completely preposterous to suggest that 81 households are involved in unauthorised encampments when the GTAA itself states that the total population of the District is only 33 households. It is equally preposterous to suggest that 108 households, which would equate to 172 to 183 caravans (based on paragraph 2.27 of the GTAA), have been identified when elsewhere within the GTAA (table 3.1) only a maximum of 8 caravans at any one time have been identified within the District since January 2006;
- 4.25.6 Of course, given that over 72% of the current population of the District reside in bricks and mortar accommodation, in accordance with GTAA Table 3.3, it must be expected that individuals may be expected to move to bricks and mortar from unauthorised encampments thereby further reducing the need arising from unauthorised encampments;
- 4.25.7 It is noted that of the 15 people interviewed on unauthorised encampments, 3 had a base elsewhere; 13 were in the general area for less than 1 month; 9 moved every day; 5 moved every week; and 1 moved a few times a year. Such responses indicate that any need for pitches is for transitory rather than permanent sites and must undermine the arbitrary 20% assumption used to assess need for a

residential pitch (paragraph 8.18);

4.25.8 It must be the case that the GTAA has greatly inflated the accommodation needs arising from unauthorised encampments. It is considered that Row 10 should equate to, at most, 5 pitches although 2 pitches may be more realistic having regard to the 72% of gypsies and travellers who reside in bricks and mortar accommodation;

4.25.9 Rows 15 and 16: future pitch need. It is considered that the 3% growth in households is an arbitrary figure. It would also appear that the pitch requirement takes no account of bricks and mortar accommodation which must be a substantial failing given the number of gypsies and travellers within bricks and mortar accommodation (at least 72% in accordance with the GTAA). 1 pitch for 2017-21 and 1 pitch for 2022-26 are considered more realistic.

4.26 The above concerns raise serious doubts on the robustness and adequacy of the GTAA. As the emerging Local Plan's identified need is wholly informed and reliant on the GTAA this must raise serious concerns with the soundness of the Local Plan and its ability to have proper regard to national policy requirements in the context of it being informed by an adequate, up-to-date and relevant evidence base.

## **5. Other matters of soundness in the context of Gypsies and Travellers provision**

5.1 The above is considered to demonstrate that the emerging Local Plan has not been positively prepared as it fails to be based on appropriately assessed development requirements, including consideration of requirements from neighbouring authorities. It is therefore unsound in this regard.

5.2 The emerging Local Plan also fails to consider whether the identified need could be met elsewhere or whether it would be better, in the interests of achieving sustainable development, to reduce the pitch requirement for Warwick District. The emerging Local Plan cannot demonstrate that it is the most appropriate strategy when considered against the reasonable alternatives as such alternatives do not appear to have been explored. It is therefore not justified.

5.3 The emerging Local Plan is clearly not based on effective joint working on

cross-boundary strategic priorities and so cannot be considered to be effective.

5.4 It has already been demonstrated that the emerging Local Plan is not consistent with national policy.

5.5 The emerging Local Plan is therefore unsound. Unless the Council revisits the GTAA to provide a robust accommodation needs assessment, it is impossible to see how the Local Plan could be made sound by modification.

## **6. Conclusions**

6.1 The above demonstrates that the emerging Local Plan is unsound, fails to comply with legal requirements and that the Council has failed in its Duty to Co-operate pursuant to the emerging Local Plan.

6.2 The proposed allocation of a Community Stadium is wholly inappropriate and unsound. This could be addressed by deletion of reference to "Community Stadium" within any allocation.

6.3 The failure to comply with legal requirements and the Duty to Cooperate are unable to be addressed without substantial additional action being undertaken by the Council to address those concerns.



## **LEAMINGTON FOOTBALL CLUB**

### **RELOCATION OPPORTUNITY - A SUMMARY**

#### **INTRODUCTION**

Many of you will already be aware that an EGM for shareholders has been called with regard to a potential relocation opportunity for the club, and that the meeting will take place at the NWG at 11am on Sunday 21 December. Notices have already gone out to shareholders and we are now seeking to engage with all fans to seek your views and ensure you are aware of the issues and current details regarding this potentially exciting opportunity for the club and community.

#### **BACKGROUND**

In recent times the Board of Directors of Leamington Football Club has conducted a series of reviews and financial analyses of the Company's Trading Accounts as audited by Murphy Salisbury.

The consistent conclusion reached from these exercises was that whilst progress and promotions were being achieved on the field, the associated business activities were not keeping pace with the increased cost structures associated with the higher levels of football attained by the Club. Despite best efforts of management, revenues have largely plateaued and the Club has reached a crossroads in respect of its future.

To address this problem selected members of the Board and a small number of non-executive advisors were appointed to the task of seeking alternative business options, consistent with the needs and requirements of football clubs in Steps 1 and 2 of the Non-League Football Pyramid.

There was of course a secondary but no less important reason for reviewing the Club's future namely the Club's wholehearted commitment to the Community. Today its affiliated community and development set-up comprises 25 boys, girls, ladies and veterans teams involving approximately 350 children and adults, plus volunteers.

The reward for this achievement has been the attainment of Football Association Charter Standard Community Club status. This award takes on even greater significance when the remoteness of the NWG is taken into account together with the diverse spread of facilities needed to support these expanding activities. A more centralised location and partnership with local schools will significantly address these problems.

The question of ground relocation to a more central position in Leamington and the additional sources of revenue that this would attract became a priority consideration. Discussions with Warwick District Council have been on-going for the past 4 years, many sites were viewed of which some were unacceptable to Leamington FC and others became unavailable for various reasons.

## THE VISION – WHAT IS POTENTIALLY ON OFFER

The club has a great opportunity to be at the heart of a new community and sports hub, through working in partnership with Warwick District Council, Myton School, and the County Council.

Warwick District Council's draft Local Plan proposes the allocation of 3 hectares of land for Leamington FC to create a community stadium of a quality we can all be proud of. The site is adjacent to a proposed new main spine road for a substantial new housing area (over 1,100 houses along with new facilities including local shops, a health facility, primary school, and public open space), between the Warwick Technology Park, Myton School, Gallows Hill and Europa Way.

There will be public transport via a proposed new spine road into Leamington and back, (together with footpaths and a cycleway), and Leamington railway station is within reasonable walking distance.

The site for the stadium is big enough to accommodate more car parking than we currently have, and the District Council is also proposing a park and ride site not far away.

The site offers the potential for supporting commercial development so we can make sure the whole project is financially sustainable. For example, the site abuts Warwick Technology Park, so it provides potential for the new stadium to accommodate complimentary uses such as conferences and exhibitions, which could generate new income streams for the Club. We anticipate that there could also be facilities in the stadium that the local community could use.

Within a few hundred metres of the proposed site, the draft Local Plan allows for the major development and expansion of Myton School. This expansion will create a significant new opportunity to enhance the School's sports facilities. The School already runs a sports hall facility in partnership with Warwick District Council, and a 3G all-weather pitch. The District Council also intends to relocate its athletics track onto the school site, which would bring the local Athletics and Rowing club with it.

The close proximity of Leamington FC to Myton School, the largest Academy in Warwickshire, may provide opportunities for the development of an expanded Football Academy.

The close physical proximity of Myton School brings the advantage of all the facilities being capable of being used by Leamington FC (e.g. for training) and vice versa by the local community and schools. The Club, Warwick District Council, Myton School, and the County Council, are developing a partnership for the benefit of all and are already talking to Sport England (and others) about funding opportunities that the partnership could attract.



## WHATS BEEN AGREED

In the event that Warwick District Council are successful in making a site available, the following key points have already been agreed in principle and would form the basis of any future written agreement between Warwick District Council and Leamington Football Club:

- \* **The proposed site is being offered free of charge and will be leased to Leamington Football Club for a period of not less than 150 years.**
- \* **A peppercorn rent (very small payment) will be paid for the duration of the lease.**
- \* **A community stadium of not less than 5000 capacity with mandated requirements will be erected upon the site.**
- \* **Leamington Football Club will have sole ownership and responsibility for the site, stadium and facilities**
- \* **All revenue for the stadium will go to Leamington Football Club.**
- \* **All administrative and financial management will be the responsibility of Leamington Football Club.**
- \* **Appropriate user agreements will be put in place between Leamington Football Club and other agreed/permitted users of the stadium facility.**
- \* **No disposal decisions either legal or financial can be implemented on the New Windmill Ground until net asset value recoveries are in place and the new stadium is fully operational.**

## WHAT ARE SHAREHOLDERS VOTING ON

The Board of Directors of the club are initially seeking shareholder approval for any potential future sale of the New Windmill Ground and realising its 'net asset' value, thus enabling continued discussion with Warwick District Council. This of course is subject to the condition listed above that: **'No disposal decisions either legal or financial can be implemented on the New Windmill Ground until net asset value recoveries are in place and the new stadium is fully operational'**

## THE MEETING

Both fans and shareholders alike can attend the 'Opening Presentation and Initial Discussion'. The formal part of the EGM will then commence with only shareholders present for discussion on the resolution and subsequent vote. We have determined that this will be a 'poll vote' which will be called by the Chairman at the meeting. That means one vote per each share held.

Refreshments will be provided in adjoining rooms for fans who are not shareholders and thus not entitled to be present for the EGM. It is anticipated that the outcome of the vote will be announced shortly after the EGM has concluded.

## **WHAT SAFEGUARDS DO WE HAVE**

Back in August the Executive Committee of Warwick District Council recognised the need to provide for the future security of Leamington Football Club irrespective of the outcome of the Council's Local Plan regarding G&T sites and passed the following resolution:

'The Council will undertake no move to develop the Leamington Football Club site as a Gypsy and Traveller site, until a location is found and made available for use, and has been agreed by the Council and Leamington Football Club Limited. The Council also confirms that no Compulsory Purchase Order will be used in relation to this site.'

At that meeting the Leader of the Council Mr Andrew Mobbs was hugely supportive of our past achievements, both in terms of football and our community-based work, and also our ambitions to play at a higher level and strengthen our ties with the community.

## **WHAT NEXT**

If it is a 'Yes' vote then this is only the first stage of what is potentially a long running process, with fans and shareholders being consulted on a regular basis.

Should the 'potential site' be confirmed, further work would then commence with Warwick District Council, partners and relevant stakeholders to determine the viability and sustainability of a Community Stadium project. This would include development of the Business Case, Design, Cost Planning and Funding. If that work leads to a proposal that the Board of Directors considers to be viable and sustainable, shareholder approval will once again be sought to move forward.

If it is a 'No' vote then it is almost certain that Warwick District Council would withdraw the proposal and this 'once in a generation opportunity' would be lost to the club and community.

## **WE WANT YOUR VIEWS AND SUPPORT**

We believe this is an exceptional opportunity to work in collaboration Warwick District Council to secure the long term future of Leamington FC, plus create a quality facility within a 'Sports and Community Hub' that would serve aspirations, provide opportunity for the young and act as a focal point for community activity, that would benefit health, education, fitness and well-being for residents.

From the club's perspective a new stadium would enable us to meet the standards required by higher leagues; put us on a better financial footing; provide better public access to the Club's ground; forge even stronger links and further develop activity within the community; and importantly provide appropriate facilities for the broad spectrum of community and development teams within the Club.

**Not able to make it to the meeting,  
then email [chairman@leamingtonfc.co.uk](mailto:chairman@leamingtonfc.co.uk)**

**Thank you for your continuing support for the Club. We will not endanger your club. There will be no 'white elephant'. We will only ever move if it is right, viable and sustainable and you approve it.**