

## Consultation on Proposed Modifications (2016) Response Form

For Official Only	
Person ID	
Rep ID	

Please use this form if you wish to support or object to the Proposed Modifications

This form has two parts:

Part A – Personal Details  
Part B – Your Representations

If your comments relate to more than one proposed Modification you will need to complete a separate Part B of this form for each representation.

This form may be photocopied or alternatively extra forms can be obtained from the Council's offices or places where the Modifications have 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 returned by **4.45pm on Friday 22 April 2016**

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 documents:

Copies of the proposed Modifications, updated Sustainability Appraisal and all supporting documents are available for inspection on the Council's web site at [www.warwickdc.gov.uk/newlocalplan](http://www.warwickdc.gov.uk/newlocalplan) and also 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, CV3 6EP

# 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		Oliver
Last Name		Bell
Job Title (where relevant)		Principal Planner
Organisation (where relevant)	CEG (on behalf of Steel / Pittaway)	Nexus Planning
Address Line 1		Suite A, 3 Weybridge Business Park
Address Line 2		Addlestone Road
Address Line 3		Weybridge
Address Line 4		Surrey
Postcode		KT152BW
Telephone number		01932 837850
Email address		o.bell@nexusplanning.co.uk

## 3. Notification of subsequent stages of the Local Plan

Please specify whether you wish to be notified of any of the following:

The submission of the Modifications to the appointed Inspector

Yes  No

Publication of the recommendations of any person appointed to carry out an independent examination of the Local Plan

Yes  No

The adoption of the Local Plan.

Yes  No

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## Part B - Your Representations

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Please note: this section will need to be completed for each representation you make

### 4. To which proposed Modification to the Submission Plan or the updated Sustainability Appraisal (SA) does this representation relate?

Modification or SA:	<input type="text" value="Policy DS15"/>
Mod. Number:	<input type="text" value="14 and 15"/>
Paragraph Number	<input type="text"/>
Mod. Policies Map Number:	<input type="text"/>

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

5.1 Legally Compliant?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
5.2 Sound?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

### 6. If you answered no to question 5.2, do you consider the Proposed Modification is unsound because it is not:

**(Please tick)**

Positively Prepared:	<input checked="" type="checkbox"/>
Justified:	<input checked="" type="checkbox"/>
Effective:	<input type="checkbox"/>
Consistent with National Policy:	<input checked="" type="checkbox"/>

7. Please give details of why you consider the Proposed Modifications to the Submission Warwick District Local Plan are not legally compliant or are unsound. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Proposed Modifications, please also use this box to set out your comments.

Please see attached comments.

Continue on a separate sheet if necessary

8. Please set out what change(s) you consider necessary to make the Proposed Modifications to the Submission Warwick District Local Plan legally compliant or sound, having regard to the test you have identified at Question 5 above where this relates to soundness. You will need to say why this change will make the Local Plan/Sustainability Appraisal 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 attached comments.

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 changes, as there will not normally be a subsequent opportunity to make further representations. 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 change, 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:**

As the landowner of a substantial proportion of the safeguarded land 'S1', it is essential that we are able to attend and speak at 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:

21/04/2016

Copies of all the comments 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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# Land south of Westwood Heath Road

## Representations to Proposed Modifications to the Publication Draft Warwick District Local Plan (Part 1)

**on behalf of CEG**

April 2016

## Policy DS15 'Comprehensive Development of Strategic Sites'

- 1.1 The following representations have been prepared by Nexus Planning Ltd, on behalf of CEG, in response to the Warwick District Council (WDC) Regulation 19 Consultation on Proposed Modifications to the Local Plan (Part 1).
- 1.2 CEG controls around 129 hectares of land south of Westwood Heath Road, identified in part in the emerging Plan as Safeguarded Land (site ref. S1). We consider that site S1 could deliver circa 900 dwellings, with further development capacity on land to the south, as advocated in the Westwood Heath Garden Suburb Vision and Technical Annex (Appendix 1).
- 1.3 Policy DS15 requires that planning applications demonstrate how they accord with a Development Brief or a Layout and Design Statement (approved by the local planning authority). It is clear that this requirement applies to land at Westwood Heath (site allocation H42) and safeguarded land S1. The policy also requires that Development Briefs for a number of sites (including Westwood Heath) are broadly compatible with each other on a number of issues, including infrastructure. The NPPF is however clear at paragraph 85 that safeguarded land is not allocated for development and this is further confirmed at Policy DS NEW2 'Safeguarded Land' of the emerging Plan.
- 1.4 As such, the preparation of a Development Brief including safeguarded land S1 is not a viable option and would be seen to be allocating / making land use assumptions on future policy for an area. This could clearly be construed as going beyond the remit of supplementary planning documents or other guidance and instead, detailing matters which should be reserved for local development documents. Such an approach would be in conflict with the Town and Country Planning (Local Planning) Regulations 2012, namely Part 3, paragraph 5.
- 1.5 Furthermore, Policy DS15 details that community facilities must be "*quantified in the context of the development of this allocation and the potential wider area over the long term*". Again, with land only safeguarded it would not be possible to determine wider community facility needs or development impacts and nor could the Council force the owners to do so, having regard to the CIL Regulation 122 tests and paragraph 204 of the NPPF.
- 1.6 Given the above, the Development Brief required by Policy DS15 for land at Westwood Heath and safeguarded land S1 would have no planning status and would lead to the piecemeal development of a significant growth area. Such an approach would mean that the delivery of key infrastructure and services cannot be guaranteed or appropriately integrated into the area, and that the ability to deliver a high quality and sustainable neighbourhood

would be undermined. These concerns are also shared by the Council, as detailed in the supporting text to Policy DS15 (see paragraphs 2.67 and 2.68).

- 1.7 Policy DS15 is not therefore sound as it not 'justified' by failing to be the most appropriate strategy, and is not 'positively prepared' or 'consistent with national policy' for the reasons set out above.

Suggested Change

- 1.8 As detailed in our representations to Policy DS11, site allocation H42 and safeguarded land S1 should be combined to form a single housing allocation of up to 1,500 dwellings, with at least 425 dwellings to be delivered within the plan period. This would then enable Policy DS15 to be modified to require the preparation of a Development Brief or supplementary planning document for both sites to establish a number of key masterplanning principles, including phasing and infrastructure delivery.



**APPENDIX 1 – WESTWOOD HEATH GARDEN SUBURB VISION DOCUMENT AND  
TECHNICAL ANNEX (SEE SEPARATE ATTACHMENT)**