



# LOCAL ACCESS FORUM

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09 January 2025

For the attention of:  
Planning Inspector:  
**Jennifer Wallace BA(Hons) MRTPI**

**Reference: APP/T3725/W/24/3347138**

Land South of Chesterton Gardens Sydenham Leamington Spa  
Hearing held at Chesford Grange Hotel Kenilworth on 27 November 2024

## **National Planning Policy Framework 12 December 2024**

This letter and the information contained within are sent on behalf of the Warwickshire Solihull and Coventry Local Access Forum as requested in the letter dated 16 December 2024 from Linda Hutton Room 3/D Temple Quay House, 2 The Square, BRISTOL BS1 6PN. The Planning Inspectorate is required, in accordance with section 94(5) of the Countryside and Rights of Way Act 2000, to have regard to relevant advice and comment from this forum in carrying out its functions.

As a volunteer with no access to professional advice over the extended festive period and officers not returning to their desks until 06 January 2025, it has been difficult to accurately research and cross reference an 83-page revised National Planning Policy Framework (NPPF) in the timeframe allowed.

We have not been entirely sure of what is expected in relation to this request for comment which is something we have not been asked for previously after Appeal Hearings.

**The Revised NPPF makes it clear that the policies within the Framework are Material Considerations which must be taken into consideration during the decision-making process. Significantly the revised Framework specifically gives weight to previous policies which should be awarded weight according to the degree of consistency displayed within the revised Framework.**

**We believe there is substantial degree of consistency between the previous and revised NPPF. Supporting Policies have been reinforced and strengthened and, therefore, provide compelling Material Weight to evidence given throughout the decision-making process and during the Appeal Hearing**

**We believe, in many respects, the Revised Framework Policies elevate and reinforce the policies of the previous NPPF. However, the expectation that Local Planning Authorities have the wherewithal financially, in staff numbers and depth of experience to execute the Government's aspirational vision of locally prepared genuinely plan-led systems is questionable.**

**We are also pleased to see the Government has announced an aspiration for more planning officers for local authorities but feel the 'problems' are deeper seated and sincerely hope issues surrounding the change in working practices will be resolved**

**by returns to office working environments, training and the required additional funding to enable the changes will be urgently met.**

At present there is no open and transparent platform for local people to shape their local environment. The planning system largely operates on financially speculative planning submissions based on the most profitable outcomes for developers.

Local people find it hard, if not impossible, to engage, voice concerns, obtain unbiased support from local planning authorities or their democratically elected planning committee members. Sadly, the decision-making processes are overshadowed by developers constantly wielding 'their trump card' where a refused application immediately becomes the subject of a costly appeal.

### **3 Plan Making - 15 – page 8**

**We agree the planning system should be genuinely plan-led with succinct and up-to-date plans which provide a positive vision for the future in each area; a framework for meeting housing need and addressing other economic, social and environmental priorities; a platform for local people to shape their surroundings and environment.**

#### **16 page 8**

We agree that Plans should be prepared with the objective of contributing to the achievement of;

- (a) sustainable development, **in every sense of the word.**
- (b) It should be aspirational but deliverable and should be shaped by early, proportionate and effective engagement between plan-makers, communities, local organisations, businesses, infrastructure providers and operators and statutory consultees.
- (d) We also believe policies should be clearly written, unambiguous and with few opportunities for unwelcome and unwanted interpretation.

The Warwick District Local Plan dated 2011 – 2029 was adopted September 2017. We believe it to be out of date and requiring an urgent trigger for a comprehensive review.

#### **Preparing and reviewing plans:**

32 page 11

**The preparation and review of all policies should be underpinned by relevant and up-to-date evidence.**

34

Reviews should be completed no later than 5 years from the adoption date.....**and should take into account changing circumstances affecting the area or any relevant changes in national policy.**

#### **5 Delivering a sufficient supply of homes page 17**

**64 (b) the agreed approach contributes to the objective of creating mixed and balanced communities.**

#### **Maintaining supply and delivery:**

## **81 page 22**

To help ensure that proposals for housing development are implemented in a timely manner local planning authorities should consider imposing a planning condition providing that development must begin within a timescale shorter than the relevant default period where this would expedite the development without threatening its deliverability or viability. For major development involving the provision of housing local planning authorities should also assess why an earlier grant of planning permission for a similar development on the same site did not start.

## **8 Promoting healthy and safe communities:**

### **96 page 28**

Planning policies and decisions should aim to achieve healthy, inclusive and safe place which:

(b) are safe and accessible .....through the use of well designed clear and legible pedestrian and cycle routes and high-quality public place...

### **98 page 28**

(c) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

### **100 page 29**

It is important that a sufficient choice of early years, school and post 16 places are available to meet the needs of existing and new communities. Local planning authorities should take a pro-active, positive and collaborative approach to meeting this requirement and to development that will widen choice in education. They should:

- (a) Give great weight to the need to create, expand or alter early years, schools and post-16 facilities through the preparation of plans and decisions on applications; and
- (b) Work with early years school and post 16 promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.
- (c) To ensure faster delivery.....Significant weight should be placed on the importance of new, expanded or upgraded public service infrastructure when considering proposals for development.

### **102 page 29**

- (a) Anticipating and addressing possible malicious threats and other hazards (whether natural or man-made) especially in locations where large numbers of people are expected to congregate.....This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security. The safety of children and other vulnerable users in proximity to open water railways and other potential hazards should be considered in planning and assessing proposals for development;

## **Open space and recreation – 105 page 30**

Planning policies and decisions should protect and enhance public rights of way and access including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

## 9 Promoting sustainable transport.

109 page 31

Transport issues should be considered from the earliest stages of plan-making and development proposals using a vision led approach to identify transport solutions that deliver well-designed sustainable and popular places This should involve;

- (a) Making transport considerations an important part of early engagement with local communities;
- (b) Ensuring patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places;
- (c) Understanding and addressing the potential impacts of development on transport networks;
- (d) Realizing opportunities from existing or proposed transport infrastructure and changing transport technology and usage – for example in relation to scale, location or density of development that can be accommodated;
- (e) Identifying and pursuing opportunities to promote walking, cycling and public transport use; and
- (f) Identifying, assessing and taking into account the environmental impacts of traffic and transport infrastructure – including appropriate opportunities for avoiding and mitigating any adverse effects and for environmental gains.

110. The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health.

### Considering development proposals

#### 115 page 33

In assessing sites that may be allocated for development in plans or specific applications for development it should be ensured that;

- (a) Sustainable transport modes are prioritised taking into account of the vision for the site, the type of development and its location;
- (b) Safe and suitable ACCESS TO THE SITE can be achieved for ALL users
- (c) The design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code;
- (d) Any significant impacts from the development on the transport network (in terms of capacity and congestions, OR ON HIGHWAY SAFETY can be cost effectively mitigated to an acceptable degree through vision led approach.

#### 116 page 33

Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network following mitigation, would be severe taking into account all reasonable future scenarios.

#### 117 page 33

**Within this context applications for development should:**

- (a) Give priority first to pedestrians and cycle movements both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services and appropriate facilities that encourage public transport use.
- (b) Address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- (c) create places that are safe, secure and attractive which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter and respond to local character and design standards;
- (d) Allow for the efficient delivery of goods and access by service and emergency vehicles.

## **11 Making effective use of land:**

124 page 36

Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating assessed needs in a way that makes as much use as possible of previously developed or 'brownfield' land.

125 page 36

- (a) Encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside.
- (b) Recognise that some underdeveloped land can perform many functions such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production.
- (c) Give substantial weight to the value of using brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

## **Achieving appropriate densities:**

**129 page 37**

Planning policies and decisions should support development that makes efficient use of land taking into account;

- (b) Local markets conditions and viability
- (c) The availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- (d) the desirability of maintaining an area's prevailing character and setting.....

## **12 Achieving well-designed places:**

**131 page 39**

Good design is a key aspect of sustainable development so is effective engagement between applicants, communities, local planning authorities and developers.

### **134 page 39**

Whoever prepares design guides and codes they should be based on effective community engagement and reflect local aspirations for the development of their area.

### **135 page 39**

Planning policies and decisions should ensure that developments;  
(a and f) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;  
And create places that are safe, inclusive and accessible and which promote health and well-being **WITH A HIGH STANDARD OF AMENITY FOR EXISTING AND FUTURE USERS...**

### **13 Protecting Green Belt land and Proposals affecting the Green Belt.**

The Government remains committed to attaching great importance to protecting the characteristics, permanence and openness of Green Belt land.

### **153-page 44**

Policy states when considering any planning application local planning authorities should ensure that substantial weight is given to harm to the Green Belt including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. As in the previous framework very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and other harm resulting from the proposal is clearly outweighed by other considerations.

### **Planning and Flood Risk:**

### **170 page 49**

**Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas the development should be made safe for its lifetime without increasing flood risk elsewhere.**

### **171 page 50**

**.....they should consider cumulative impacts in or affecting local areas susceptible to flooding....**

### **172 page 50**

**All plans should apply a sequential risk-based approach to the location of development taking into account all sources of flood risk and the current and**

future impacts of climate change so as to avoid, where possible, flood risk to people and property.

(b) safeguarding land from development that is required or likely to be required for current or future flood management.

178 page 51

.....to pass the exception test it should be demonstrated that;

b) the development will be safe for its lifetime taking into account of the vulnerability of its users without increasing flood risk elsewhere and, where possible, will reduce flood risk overall.

181 page 51

When determining any planning application local planning authorities should ensure that flood risk is not increased elsewhere (63 A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Zone 1 an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.

182 page 52

Applications which could affect drainage on or round the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of run-off and which are proportionate to the nature and scale of the proposal. These should be multi-functional benefits wherever possible through facilitating improvements in water quality and biodiversity as well as benefits for amenity. Sustainable drainage systems provided as part of proposals for major development should:

- a) take account of advice from the Lead Local Flood Agency;
- b) have appropriate proposed minimum operational standards; and
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.

**15 Conserving and enhancing the natural environment:**

**187 Planning Policies and decisions should contribute to and enhance the natural local environment by:**

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan.
- b) Recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, in UK food production and of trees and woodland.
- c) N/A
- d) Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, skylarks, bats, otters and hedgehogs

- e) Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. Developments should wherever possible help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

#### **Habitats and biodiversity:**

**192 page 55**

To protect and enhance biodiversity and geodiversity, plans should:

- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation, and
- b) Promote the conservation, restoration and enhancement of priority habitats ecological networks and the protection and recovery of priority species and identify and pursue opportunities for securing measurable gains for biodiversity.

#### **Ground conditions and pollution:**

**196 page 57**

Planning policies and decisions should ensure that;

- a) A site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities.

**198 page 57**

**Where a site is affected by contamination or land instability issues, responsibility for securing a safe development rests with the developer and/or landowner.**

#### **16 Conserving and enhancing the historic environment:**

**202 page 59**

Heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

**205 page 59**



**Local authorities should maintain or have access to a historic environment record. This should contain up-to-date evidence about the historic environment in their area and be used to:**

- a) Assess the significance of heritage assets and the contribution they make to their environment; and**
- b) Predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future.**

**207 page 60**

**Where a site on which development is proposed includes, or has potential to include, heritage assets with archaeological interest local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.**

#### **Annex 1: Implementation:**

**For the purposes of decision-making.**

**231 page 67**

**The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this Framework has made.**

**232 page 67**

**However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).**

#### **Annex 2 Glossary:**

##### **Archaeological interest:**

**There will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.**

##### **Best and most versatile agricultural land:**

**Land in grades 1, 2 and 3a of the Agricultural Land Classification.**

##### **Brownfield land registers:**

**Registers of previously developed land that local planning authorities consider to be appropriate for residential development, having regard to criteria in the Town**

**and Country Planning (Brownfield Land Register) Regulations 2017. Local planning authorities will be able to trigger a grant of permission in principle for residential development on suitable sites in their registers where they follow the required procedures.**

**Local planning authorities and other plan-making bodies should take a pro-active role in identifying and helping bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers or held in public ownership, using the full range of powers available to them.**

**We believe the development of Brownfield and other previously developed, degraded or derelict sites is woeful in many local planning authority areas where regeneration of urban area and town centre sites in particular would have social and economic benefits which could provide truly affordable sustainable housing.**

**Competent person (to prepare site investigation information:**

**A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability and membership of a relevant professional organisation.**

**Environmental Impact Assessment:**

**A procedure to be followed for certain types of projects to ensure that decisions are made in full knowledge of any likely significant effects on the environment.**

**Historic environment:**

**All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.**

**Local Nature Partnership:**

**A body, designated by the Secretary of State for Environment, Food and Rural Affairs, established for the purpose of protecting and improving the natural environment in an area and the benefits derived from it.**

**National Trails:**

**Long distance routes for walking, cycling and horse riding.**

**National Flood Management:**

**Managing flood and coastal erosion risk by protecting, restoring and emulating the natural regulating function of catchments, rivers, floodplains and coasts.**

**Older people and those with disabilities:**

People over or approaching retirement age, including the active, newly retired through to the very frail elderly; and whose housing needs can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs.

People have a disability if they have a physical or mental impairment and that impairment has a substantial and long-term adverse effect on their ability to carry out normal day to day activities. These persons include, but are not limited to, people with ambulatory difficulties, blindness, learning difficulties, autism and mental health needs.

**Reasonable future scenarios:**

**(for assessing potential highways impacts):**

A range of realistic transport scenarios tested in agreement with the local planning authority and other relevant bodies (including statutory consultees where appropriate) to assess potential impacts and determine optimum transport infrastructure required to mitigate any adverse impacts, promote sustainable modes of travel and realise the vision for the site.

**Site investigation information:**

Includes a risk assessment of land potentially affected by contamination, or ground stability and slope stability reports, as appropriate. All investigations of land potentially affected by contamination should be carried out in accordance with established (such as BS 10175 investigation of Potentially Contaminated Sites – Code of practice).

**Transport Assessment:**

A comprehensive and systematic process that considers and sets out transport issues relating to a proposed development, in the context of the vision for the scheme. It identifies measures required to support alternatives to the car such as walking, cycling and public transport, and to promote accessibility and safety, together with measures that will be needed to deal with the anticipated transport impact of the development.

**Travel Plan:**

A simplified strategy for an organisation or site that details how agreed sustainable transport objectives are to be delivered and which is monitored and regularly reviewed.

**Wildlife Corridor:**

Areas of habitat connecting wildlife populations.

**The Warwickshire Solihull and Coventry Local Access Forum believes that the paragraph below is probably the Policy in the revised Framework which resonates most with the background planning history and due process surrounding of the proposed development of the Land South of Chesterton Gardens Sydenham Leamington Spa, the subject of the recent Appeal: APP/T3725/W/24/3347138.**

**Maintaining supply and delivery:**

**81 page 22**

**To help ensure that proposals for housing development are implemented in a timely manner local planning authorities should consider imposing a planning condition providing that development must begin within a timescale shorter than the relevant default period where this would expedite the development without threatening its deliverability or viability. For major development involving the provision of housing local planning authorities should also assess why an earlier grant of planning permission for a similar development on the same site did not start.**

**The Warwickshire Solihull and Coventry Local Access Forum sincerely hope the above will be of some help in considering whether or not the Framework 2024 has relevance to our case which we believe it does.**

**We believe the Revised Framework 2024 clearly serves to reinforce, consolidate and affirm policies in the 2023 NPPF.**

**11 page 6:**

**Plans and decisions should apply a presumption in favour of sustainable development.**

- a) All plans should promote a sustainable pattern of development that seeks to: meet the needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including making effective use of land in urban areas) and adapt to its effects;**
- b) (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type of distribution of development in the plan area; or  
(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in this Framework taken as a whole.**

**For decision-taking this means:**

- c) Approving development proposals that accord with an up-to-date development plan without delay; or**
- d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:  
(i) The application of policies in this Framework that protected areas or assets of particular importance provide a strong reason for refusing the development proposed; or  
(ii) Any adverse impacts of doing so would significantly and**

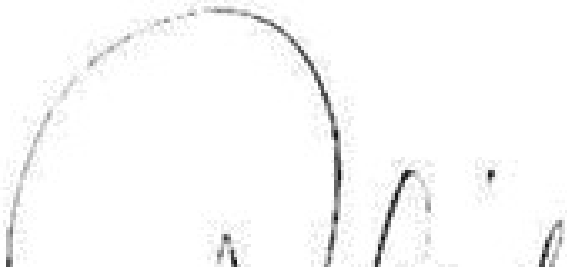
**demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.**

**The Warwickshire Solihull and Coventry Local Access Forum hope our comments on the revised National Planning Policy Framework 2024 and its relevance to the above case.**

**We will forward a copy of this letter to the appellant.**

**We request an acknowledgement of receipt please.**

**Yours sincerely**

A handwritten signature in black ink, appearing to read 'Sheila Cooper', with a large, sweeping arch over the first part of the name.

**Sheila Cooper**

**Chair of the Warwickshire Solihull and Coventry Local Access Forum**

**Please Respond Directly to: [sheila.ann.cooper41@gmail.com](mailto:sheila.ann.cooper41@gmail.com)**

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