

RAPLEYS

Hearing Statement for
Rapleys LLP on behalf of
Jockey Club Racecourses Ltd (Representor ID 1161)

WARWICK DISTRICT LOCAL PLAN EXAMINATION MATTER 10

October 2016

Our Ref: WH/1042/0027_002

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1 INTRODUCTION

- 1.1 This Hearing Statement has been prepared on behalf of Jockey Club Racecourses Ltd ('JCR') in response to the Examination Matter 10.
- 1.2 JCR is the longstanding operator of Warwick Racecourse. The JCR's operational area of the Racecourse includes the grandstand and other facilities located to the east of the race track.
- 1.3 JCR submitted representations to the Publication Draft Local Plan 2014 ('the Publication Draft Plan 2014') consultation in June 2014. JCR objected to Policies CT2 and CT7 in relation to the principle of a Masterplan approach to development and lack of necessary flexibility.
- 1.4 Since then, the preparation of a Masterplan for St Mary's Lands, which includes the operational areas of the Racecourse, has been advanced by Warwick District Council ('WDC') in partnership with a Working Group, Warwick Town Council and Warwickshire County Council. The Working Group is made up of key stakeholders including JCR. Public consultation on the "Outline Proposals" for the emerging Masterplan was undertaken in June 2016. It is understood that WDC is aiming to approve the Masterplan during Q2 of 2017.
- 1.5 As part of the Working Group, WDC has engaged JCR in the preparation of the Masterplan. Consequently, JCR has a better understanding of the WDC's objective for the Masterplan approach to facilitate development within St Mary's Lands. In light of this, JCR has entered into discussions with WDC regarding the wording of Policy CT7 and agreed a Statement of Common Ground ('SoCG') with WDC, which includes agreed amendments to the wording of Policy CT7 and its explanatory paragraphs.
- 1.6 Another change in circumstances since the 2014 representations is that an aspiration for a hotel is primarily WDC's objective rather than being promoted as part of JCR's business and future aspirations. As such, this Statement will address the Examination Matter 10 in relation to Policy CT7.
- 1.7 Specifically, this Statement provides background to JCR and Warwick Racecourse, and responds to the Examination Matter 10 and Issue on the approach towards culture, leisure and tourism and Question 3:
- Is Policy CT7 justified in its approach?
 - Does it provide adequate safeguards in terms of heritage assets and the vitality and viability of the Town Centre?
 - Is it sufficiently flexible?

2 JOCKEY CLUB RACECOURSES AND WARWICK RACECOURSE

- 2.1 JCR is the largest racecourse group in the UK by turnover and attendees. It is governed by a Royal Charter and its profits are reinvested in the long term development and enhancement of its racing venues and British racing as a sport.
- 2.2 Warwick Racecourse is one of the 15 leading racecourse which form part of JCR's national portfolio. It is a National Hunt racing venue and holds 17 race meetings

throughout the year annually. The Racecourse saw the highest number of attendance at a race meeting, reaching approximately 5,500 racegoers.

2.3 Horseracing at Warwick Racecourse has a longstanding history, which began as early as the turn of the 18th century, and it is the first course to host a jump race (i.e. National Hunt racing) in the UK. Therefore, Warwick Racecourse is important to the District and the racing industry in terms of its history and heritage, as well as being part of the social, cultural and economic infrastructure of the District.

2.4 More specifically, the Racecourse's primary function as a racing venue, it brings significant economic benefits, as follows:

- The Racecourse attracts approximately 35,000 racegoers each year;
- In addition to the permanent (12) employed by JCR, circa 70 temporary staff such as catering, raceday marshalling and security) are employed during a race meeting, in addition to numerous contractors; and
- The Racecourse also generates a significant number of indirect jobs, for example in the race horse training industry.

2.5 As explained in the previous representations, there is a need for Warwick Racecourse to diversify the function of the racecourse facilities in order for the primary function as a racing venue to be financially viable in the long term. Indeed, in addition to the principle business of the Racecourse as a horse racing venue, there are other complimentary function and activities operated by the Racecourse, which are integral to JCR's businesses all year round outside the racing calendar. These include:

- The Racecourse's facilities being used for hosting corporate events, conferences, meetings, weddings, exhibitions and trade shows;
- The operation of the Caravan Park which is located within the race track;
- Hosting a number of community events in conjunction with Rotary Club, the Court Leet, Warwick Lions, contributing valuably to their valuable causes, and
- The Racecourse engaging in numerous charitable fund raising activities with race days collections, through which, with collective efforts, raise more than £100,000 per annum for local charities.

2.6 The Racecourse is therefore a major leisure and sporting venue and tourist attraction in the District. The diverse range of functions and activities provides evidence for the Racecourse's important role and function as key social, cultural and economic infrastructure. JCR continually strives to improve business operations and will look for opportunities for improvements to, and enhancement of, the existing facilities.

2.7 In this regard, JCR has a number of key objectives, including:

- Securing the long term future of Warwick Racecourse as a National Hunt racing venue through investing in the ongoing improvement to the facilities and business operations, such as replacement saddling boxes.

- Giving consideration to the future modernisation and upgrades of the facilities as a major sporting venue and visitor attraction, such as renewal of the Chandler Suite and a new main racecourse entrance.
- Retaining and creating jobs through the year-round employment of administrative staff based at the Racecourse, the employment of additional staff during race meetings and other events, and the potential for further employment through future enhancement of the facilities.

2.8 JCR seeks to ensure that there is an appropriate planning policy framework for the racecourse, which protects and supports the ongoing operation and future improvements/enhancements of the racecourse and its diverse functions to secure the long term future of the venue as a racing facility.

3 POLICY CT7 AND EXPLANATORY PARAGRAPHS

3.1 This section responds to the Examination Matter 10 Question 3, where relevant.

Is Policy CT7 justified in its Approach?

3.2 Policy CT7 seeks to deliver development proposals within St Mary's Lands, including Warwick Racecourse, through a Masterplan approach to provide a framework for the determination of planning applications. Non-statutory planning documents, such as Masterplans, should guide and enable development, and inform the decision making process, as a material consideration. However, the Policy's objective to ensure that development proposals for recreation, leisure, horse racing and visitor accommodation are delivered sensitively, having regard to the heritage assets and environmental considerations, is justified.

3.3 The Racecourse and associated facilities are "social, recreation and cultural facilities" as defined by the National Planning Policy Framework ('NPPF'). The NPPF advises that local plans should set out opportunities for development and clear policies on what will or will not be permitted and where (Paragraph 154). In this context, it is considered that the Masterplan which seeks to facilitate development opportunities within St Mary's Lands, for types of development identified under Explanation Paragraph 3.142, satisfies the requirements of the NPPF to plan positively for social, recreation and cultural facilities to enhance the sustainable communities and to guard against the unnecessary loss of such facilities.

Does it provide adequate safeguards in terms of heritage assets and the vitality and viability of the Town Centre?

3.4 One of the requirements for a Masterplan is to identify the significance of heritage assets and setting out how these will be sustained and enhanced. This will be reviewed in the context of future aspirations for St Mary's Lands as a leisure and recreational area through a Masterplan approach. This provides adequate safeguards in terms of heritage assets above the planning application process.

3.5 With regard to safeguarding the vitality and viability of the Town Centre, it should be noted that the Racecourse and associated facilities are a longstanding and established horse racing venue and leisure facility in the District. As such, improvements and enhancements of such an established facility in the City should not have adverse impact on the vitality and viability of the Town Centre. Rather, such proposals should be

encouraged to ensure the long term vitality and viability of the Racecourse and its diverse functions.

Is it sufficiently flexible?

- 3.6 Policy CT7 and its explanatory paragraphs in relation to St Mary's Lands, as currently drafted, permit proposals only if they are included in an approved Masterplan, regardless of the scale and nature of development proposals. Whilst the preparation of the emerging Masterplan is underway and it is understood that WDC is aiming for the document's approval during Q2 of 2017, there is an element of uncertainty as to the final contents and timing of approval and the process for updating an approved Masterplan in the future. As the determination of planning applications is plan-led, it is important to ensure that the Local Plan is sufficiently flexible to respond to unforeseen and changing circumstances, particularly because the Local Plan covers a long term period, and it is understood that a Masterplan pursuant to Policy CT7 has not yet reached a stage where it can be approved.
- 3.7 In this regard, the NPPF seeks to ensure sustainable economic growth, and advises that planning should operate to encourage and not act as an impediment to sustainable growth (Paragraph 19). It also advises that investment in business should not be overburdened by the combined requirements of planning policy expectations. In particular, local planning authorities are required to support existing business sectors and ensure that policies are flexible enough to accommodate needs not anticipated in the plan and to allow for a rapid response to changes in economic circumstances (paragraph 21).
- 3.8 Whilst JCR's current aspirations are incorporated in the draft Masterplan Outline Proposals document (June 2016), it is possible that other requirements and development needs might arise in the long term. However, Policy CT7, as currently drafted, does not provide any flexibility to respond such circumstances, contrary to the NPPF's requirements. The Policy would place an unnecessary burden and cost on JCR to justify proposals brought forward in the absence of an approved or update Masterplan, or not included in an approved Masterplan, even if the proposals are those directly relating to the Racecourse's operational needs, regardless of its scale and nature.
- 3.9 Therefore, the wording of the Policy is not sufficiently flexible and fails to meet the NPPF's tests of soundness. In this regard, a Statement of Common Ground has been agreed between WDC and JCR, as set out in the following section.

4 STATEMENT OF COMMON GROUND BETWEEN WDC AND JCR

- 4.1 JCR entered into discussions with WDC during the Examination process in order to identify areas of agreement.
- 4.2 As a result of these discussions, WDC and JCR have identified that both parties are in agreement of the following matters:
- i) Policy CT7 and the explanatory paragraphs should recognise that Warwick Racecourse is one of the key leisure, tourist and economic assets in St Mary's Lands and the ongoing vitality and viability of the facility is supported.
 - ii) The principle of the Masterplan approach to delivering development within St Mary's Lands is justified, given sensitive considerations which would need to be given in respect of the heritage assets and biodiversity.

iii) Policy CT7 and the explanatory paragraphs in relation to development within St Mary's Lands require that development can only be brought forward in line with an approved Masterplan. The wording, as it stands, is not sufficiently flexible to respond to unforeseen and changing circumstances in the future and as such, an element of flexibility should be introduced, for the soundness of the Plan.

4.3 In order to address i) and iii), WDC and JCR agreed on the amendments to the wording of Policy CT7 and its explanatory paragraphs relative to St Mary's Lands, which are appended at **Appendix 1**. It is considered that the set of amendments will provide flexibility to ensure that the Masterplan will be kept under review by WDC, whilst providing an appropriate planning policy framework for the determination of proposals not included in the approved Masterplan.

4.4 There is an area which has not yet been resolved, as identified in the agreed SoCG. JCR considers that the following sentence should be incorporated in the policy to ensure necessary flexibility in the absence of an approved Masterplan.

“Where proposals are brought forward in the absence of an approved or updated masterplan or not included in the masterplan, proposals will be considered, having regard to points a) to e), where relevant and appropriate to the scale and nature of the development proposed.”

4.5 There is an area which JCR wishes to explore through the Examination process, as a Masterplan has not yet been approved and the programme and areas of work towards adoption of a policy compliant Masterplan are not clear. We therefore consider that Policy CT7 should provide an appropriate planning framework for the determination of proposals, in the event that there is a delay in WDC's Masterplan approval process.

5 CONCLUSION

5.1 As stated in this Statement, JCR does not object to the principle of the proposed Masterplan approach, having involved in the preparation of the emerging Masterplan as part of the Working Group. JCR welcomes the Policy's recognition of Warwick Racecourse as an important recreation, leisure and entertainment facility in the District, and support for the ongoing vitality and viability of the Racecourse and its diverse functions.

5.2 Notwithstanding this, it is considered that Policy CT7 is not sufficiently flexible, as it prevents development not included in an approved Masterplan from coming forward, regardless of the nature and scale of proposals and unforeseen changes in circumstances in the future. Therefore, for the soundness of the Plan, it is considered that the amendments to Policy CT7 and explanatory paragraphs agreed between WDC and JCR and the additional paragraph proposed by JCR are necessary to ensure sufficient flexibility.

5.3 We respectfully request that our client's representations are fully taken into consideration in the Examination process.

Appendix 1

AGREED AMENDMENTS TO POLICY CT7 AND EXPLANATORY PARAGRAPHS

AGREED AMENDMENTS TO POLICY CT7 AND THE EXPLANATORY PARAGRAPHS

As set out in the Statement of Common Ground between Warwick District Council and Jockey Club Racecourses Ltd

In line with the agreed matters identified in Section 4 of the Statement of Common Ground, the following amendments to Policy CT7 and the explanatory paragraphs have been agreed between WDC and JCR. It should be noted that these amendments relate to St Mary's Lands only and do not represent Warwick Castle's interest. The proposed amendments in **blue text** are WDC's amendments in WDC's Proposed Amendments to the Local Plan Publication Draft 2015 (Examination Ref: LP21) with **green text** identifying the agreed amendments between the parties.

Agreed Amendments

"CT7 Warwick Castle and St Mary's Lands, Warwick

*Development at Warwick Castle or St Mary's Lands, including Warwick Racecourse (within the boundaries defined on the Policy Map) will **only** be permitted where it is brought forward in line with an approved Masterplan setting out the development principles and broad areas for development, indicating the type of uses proposed and, in the case of the Castle, a Conservation Plan for the historic asset. The Masterplan for each, will provide the framework within which planning applications will be determined and will:*

- a) identify the physical and economic context;*
- b) identify the development principles to underpin future development proposals;*
- c) identify the significance of heritage assets within the vicinity, setting out how these will be sustained and enhanced (including listed buildings, listed parks and gardens, conservation areas and historic landscapes);*
- d) identify the location of developments, demonstrating how proposals will relate to the heritage assets and how they will enhance the positive contribution the asset makes to sustainable communities and to the character and distinctiveness of the area; and*
- e) identify how the proposals support the vitality and viability of the local economy.*

Explanation

Warwick Castle

3.136 Warwick Castle is a nationally/internationally renowned tourist attraction bringing significant benefits to the local economy. It is a Grade 1 listed building **and Scheduled Monument** set within Grade 1 landscaped grounds. The site includes several other Listed Buildings.*

3.137 Balancing the development pressures with the sensitivity of the location is an on-going challenge. Further there are opportunities to enhance the links between the Castle and Warwick Town Centre, bringing economic benefits to the Town Centre. The challenge is to ensure development within the Castle grounds does not undermine the range of facilities and services available in the adjacent Town Centre.

3.138 In this context this policy seeks to support the role of Warwick Castle as a nationally/internationally renowned attraction at the same time as ensuring the significance of the local heritage assets (including the Castle itself) are sustained and enhanced. It is also important that the mix of activities on offer within the Castle grounds allows both the Castle and the Town Centre to play to their strengths to the mutual benefit of both.

*3.139 It is therefore proposed that individual projects requiring planning permission should be brought forward within the context of a Masterplan for Warwick Castle. This will be a positive strategy for the conservation and enjoyment of the historic environment. **The Masterplan should be kept under review. Should other development proposals for the Castle site be promoted, these will be considered in light of points (a) to (e) in Policy CT7 and other policies within the Local Plan.***

Warwick Racecourse and St Mary's Lands

3.140 Warwick Racecourse and St Mary's Lands provides an important recreation, leisure and entertainment facility. Given the role of the Racecourse and St Mary's Lands in the local economy and community, the ongoing vitality and viability of this facility is supported. However, the Racecourse and St Mary's Lands lies

within the Warwick Conservation Area, the main stand is a Grade II Listed Building and includes an area rich in biodiversity, designated as a Potential Local Wildlife Site. This area is important in the setting of Warwick and provides open spaces close to the Town Centre which is well used and appreciated by those who live and work in the Town.

3.141 In this context, any development will need to be sensitive to the heritage assets, the setting of the town, the ongoing enjoyment of the area for recreational purposes and the need to maintain local habitats and biodiversity.

3.142 The Council will therefore work with the operators of the Racecourse **and other stakeholders (including English Heritage)** to bring forward a Masterplan for the area which;

- ensures the ongoing vitality and viability of **St Mary's Lands, including the Racecourse;**
- protects and enhances the significance of the Listed Building and Conservation Area and their setting;
- retains the land for public recreation;
- protects and enhances biodiversity within the Racecourse as well as links to the open countryside and other areas; and
- restricts uses to those associated with visitor accommodation, recreation, leisure and horse racing

3.142a The Masterplan should be kept under review. Should other development proposals for the St Mary's Lands, not included in the Masterplan, be promoted, these will be considered in light of points (a) to (e) in Policy CT7, where relevant and appropriate to the scale and nature of the development proposed and other policies within the Local Plan."