

APPEAL REFERENCE: APP/E3715/W/23/3322013
Proof of evidence – Planning Matters
on behalf of the Save Coventry Speedway & Stox Campaign Group



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**PROOF OF EVIDENCE – PLANNING
MATTERS**

by David Carter

on behalf of:

**SAVE COVENTRY SPEEDWAY & STOX
CAMPAIGN GROUP**



Proof of Evidence – Planning Matters

by

David Carter BSc MSc MRTPI

on behalf of:

SAVE COVENTRY SPEEDWAY & STOX CAMPAIGN GROUP

Site Address:

COVENTRY STADIUM, RUGBY ROAD, COVENTRY CV8 3GP

Appeal Proposal:

DEMOLITION OF EXISTING BUILDINGS AND OUTLINE PLANNING APPLICATION (WITH MATTERS OF ACCESS, LAYOUT, SCALE, AND APPEARANCE INCLUDED) FOR RESIDENTIAL DEVELOPMENT (USE CLASS C3) INCLUDING MEANS OF ACCESS INTO THE SITE FROM THE RUGBY ROAD, PROVISION OF OPEN SPACE AND ASSOCIATED INFRASTRUCTURE AND PROVISION OF SPORTS PITCH, ERECTION OF PAVILION AND FORMATION OF ASSOCIATED CAR PARK

Appeal Ref: APP/E3715/W/23/3322013

Planning Application Ref: R18/0186

Document Ref: SCS/POE1 DC

Date: 22 August 2023

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1. Introduction

1.1 My name is David Carter and I am a chartered town planner with more than 40 years of experience. Most of my career involved working in the West Midlands, mainly with Birmingham City Council. Since retiring from the City Council in 2014, I worked as a self-employed consultant until 2019, including for Luton Council and the London Borough of Waltham Forest. In mid-2019 until early 2021 I worked as a Planning Inspector, and, since then I have again been working as a planning consultant.

1.2 The evidence which I have prepared and provide in this proof of evidence is true and has been prepared and is given in accordance with the guidance of the RTPI and I confirm that the opinions expressed are my true and professional opinions

1.3 As a keen follower of stock car racing, I have been part of the campaign against the redevelopment of Coventry Stadium since the proposals first emerged in 2014 advising, in particular, on the planning aspects of the proposal. My evidence relates both to planning matters and in particular to the sporting implications of the appeal proposal. It is also my view that there is a very reasonable prospect for reusing the appeal site for speedway and stock car racing on a viable basis in both the short and long term.

1.4 This planning policy background is covered extensively elsewhere, however, I wish to highlight the following:

- (a) The Rugby Local Plan 2022-31 (CD8.2) and Brandon and Bretford Neighbourhood Development Plan (BBNP, CD8.3) were adopted or made, as appropriate, in June 2019. They are consistent with the NPPF (2021) and in my view are up-to-date.
- (b) The local plan was subject to extensive public consultation with testing of objections and soundness of the local plan through its Public Examination. SCS (and the appellant) participated throughout the various stages of the local plan (in chronological order CDs 15.3.5; 15.3.6; 15.3.7 and 15.3.2) resulting in a Main Modification to Policy HS4 which significantly increased the protection afforded to sports and recreation facilities. Please see the Inspectors interim observations (para re Policy HS4 on p6, CD15.3.1) and final report (paras 292 to 295 and MM96, CD15.3.3). The appeal site was not included as a residential allocation and in my view is not needed to deliver the housing requirements of the Plan.
- (c) Representations by the appellant and SCS (CD15.4.1) were also made in respect of the submission version of the BBNP (CD15.4.1). The Examiners Report (CD15.4.2) included observations on, and the deletion of detailed policies regarding Brandon Stadium and Oakdale Nursery (See reference to Policies on PDS1 and PDS2 on page 20).

1.5 SCS made representations and submitted briefing papers in relation to both the original and revised planning application. There is no need to repeat the points made as these are available within the inquiry library (in chronological order CDs: 10.15; 10.14; 10.19; 10.18; 10.20; 10.17 and 10.16).

1.6 I am aware from their letters of objection to the planning application that the governing bodies and other speedway/stock car organisations believe that the site is not surplus to requirements (CD10.1 to 10.12). Objections were received from 44 of the 46 counties of England and 14 other countries. The Brandon & Bretford Neighbourhood Plan stated that following their own survey “residents overwhelmingly oppose redevelopment of the stadium” I am aware that the number of objections to the Appellant’s planning applications was unprecedented in Rugby Borough Council history. Ten MPs similarly objected to the proposed development.

1.7 The Appellant took possession of the stadium at the end of 2016. At that point, subject to, I understand, the prior removal of assets the stadium was a functioning, viable sports stadium.

1.8 Because of the Appellant’s failure to provide adequate security, the stadium has since

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fallen into disrepair. In my view, because of this neglect, which has been underlined by two convictions in the Birmingham Magistrates' Court in September 2022, the viability of the stadium should be judged on the basis of its condition at the time the Appellant took possession. To do otherwise would be to permit the Appellant to benefit from its own wrongs. In any event, in my view there is a reasonable prospect that the reuse of the appeal site in the short term for speedway and stock car racing would be financially viable whilst funding is secured and plans put in place for the repair or replacement (as appropriate) of the stands in the longer run.

1.9 I am also aware that WYG in their 2019 report for Rugby Borough Council (CD15.1.2) were not satisfied that the site is surplus to requirements. Moreover, I believe that there is a willing buyer for Coventry Stadium and willing promoters for Speedway and Stock Cars.

1.10 This proof covers the following matters: the main issues whether the stadium is surplus to requirements having regard to national and local planning policies (Section 2): The main issue dealing with the benefits arising from the delivery of new market and affordable housing (Section 3) as well other benefits of the appeal scheme and the overall planning balance (Section 5). This proof also refers to Matters not in dispute (Section 4)

1.11 I have prepared two other proofs, one relating to Green Belt and the other to the sporting aspects of the appeal proposal.

1.12 This proof also provides an overall summary of my three proofs and those of Mr Matt Ford and Mr Warren Hunter as referred to above.

2. Issue: Whether the stadium is surplus to requirements having regard to national and local planning policies

2.1 The respective Governing Bodies for speedway and stock car racing have submitted objections to the proposed redevelopment of Coventry Stadium, as recorded in summary form in the officer's report to committee in respect of both the original 2018 application and the revision to it in 2021. It is also understood that representatives from the Governing Bodies of both speedway and stock car racing will attend the public inquiry as 3rd parties. Such is the level of concern at the loss and threats to facilities used by both sports and the apparent lack of recognition of the important role they play in society.

2.2 It seems inconceivable that stadiums such as Old Trafford, Villa Park or Lords could be closed and the users left without replacement facilities but this is precisely what has happened at Coventry Stadium. Why should that also not be inconceivable? Simply because 'minority sports' are involved should make no difference and there is nothing to suggest that planning policies should not and do not apply equally to all sport.

2.3 The continuing need for Coventry Stadium has intensified through the loss of other venues and pressure on other tracks in the Midlands. Since Coventry Stadium was closed at the end of 2016, speedway has been lost at Stoke and is threatened with closure at Wolverhampton, Peterborough and Birmingham (Perry Barr) approx. Leicester could be the sole surviving speedway venue in the Midlands.

2.4 Stock Car Racing has been lost at Stoke and Birmingham (Wheels) with the loss of 17 F1 BriSCA events and c35 other fixtures (non BriSCA F1) including those at Coventry Stadium. Those losses have only been partially countered by 2 additional BriSCA F1 fixtures, one at Buxton and one at Hednesford Hills. This means the number of fixtures in the West Midlands for BriSCA F1 has fallen from 19 events (of 50 U.K. F1 fixtures in 2016) to just 6 events in 2023 (of 43 U.K events). The loss of racing opportunities for other formulae has also fallen dramatically.

2.5 The effect is inevitably substantial, affecting the sports from both a participatory and spectator perspective.

2.6 The damaging effects on both sports at Coventry appear to have been caused by a prospective developer seeing the site as 'low hanging fruit' with no interest in the sports affected and the consequences of closure and decline or, for the effects on the well-being of those involved.

2.7 In the case of the appeal site, the appellants made decisions to pursue redevelopment, to close the stadium, without relocation of the users and have been found not to have done enough to prevent the deterioration of the site and building through a lack of effective security.

2.8 It was only after the Council requested justification for the proposal in the context of the loss of the sports facilities that the appellants sought to claim that the stadium was surplus to requirements and that speedway, in particular, was in decline in an effort to justify their proposals under paragraph 99a of the NPPF.

2.9 In order to assess the competing claims of the appellant and the Campaign Group the Council commissioned its own Sports Needs Assessment (CD15.1.2). This showed, given the status of Coventry Stadium to both Speedway and Stock Car Racing that there was indeed a continuing sporting need for the venue. This effectively ruled out any approval for the appeal proposals under para 99a.

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2.10 One option available to the appellants would have been to identify and provide an alternative, replacement venue. This was ruled out by the appellants at a meeting with SCS on 12 March 2020 (notes of the meeting, CD15.5.15), since this was considered to make the redevelopment proposals uneconomic (the Appellant is understood to have paid £2.7 m for the appeal site). SCS are not aware of any potential alternative available site to which the sports could be relocated, in any event. This rules out an approval under para 99b.

2.11 Effectively, this meant that the appellants had to revise their development proposal to try to comply with para 99c, i.e. through the provision alternative sports facilities where the sporting benefits would exceed those arising through the redevelopment of the stadium and displacement of the motorsports. However, the plans fell at Planning Committee as Members unanimously rejected any notion that the proposed 3G Pitch and associated pavilion and car parking would counter loss of the stadium.

2.12 Additionally, but separately, SCS would agree with Sport England's consultation response that para 99c deals with replacement of sports facilities with alternative sports facilities and not housing and sport (Ref CD9.31). Sport England also make the point that the 3G sports facility could be provided without any impact on Coventry Stadium. Should the Inspector agree with that interpretation then that would rule out allowing the appeal under para 99c.

2.13 The approach in the NPPF is mirrored in the Local Plan following the introduction of Main Modifications to Policy HS4 to bring it into line with national policy through the public examination process.

2.14 The BBNP identifies Brandon Stadium as community facility thus adding to its protection. Policy HS3 of the local plan, together with its supporting explanatory text, places obligations on both developers and the Council before the loss of any community facility can be countenanced.

2.15 In conclusion, therefore, there is a demonstrable and continuing need for Coventry Stadium for both Speedway and Stock Car Racing and its closure has had a damaging impact on those sports locally, regionally, nationally and internationally. The proposals are in stark conflict with national and local planning policies. As such, SCS and all the people who have objected to the appeal proposals, reasonably expect that the planning system, and all those who operate within it, should respect and seek to protect such well-loved facilities.

2.16 It follows that SCS would attribute very substantial weight to the loss of Coventry Stadium and its conflict with paragraph 99 of the NPPF and Policy HS4 of the Rugby Local Plan. Other policies in the Local Plan (Policy HS3) and BBNP (Policy LF1) also support the protection of community facilities, The BBNP is clear that Brandon Stadium is strongly supported and regarded as a community facility. BBNP Policy E1 refers to protecting and supporting existing businesses and it is clear from para 7.2 of the supporting text this includes leisure and tourism.

3. Issue: Other benefits of the proposal including the delivery of new market and affordable housing

The level and distribution of housing provision

3.1 The Rugby Local Plan was adopted in 2019 which, taking account of 2,577 dwelling completions 2011-17, makes provision for 12,400 dwellings over the period 2017-31 (Policy DS1). This figure specifically includes 2,800 dwellings to meet needs arising in Coventry that cannot be accommodated within that city's boundary under an agreement under the Duty to Cooperate. The provision is phased at 540 dwellings 2011-18 and 663 dwellings 2018-31 with capacity coming forward on key strategic allocations in the latter years post-adoption. Thus the provision of affordable housing associated with market housing is likely to increase over the remainder of the plan period. The plan remains up-to-date. The Development Plan Scheme for the Borough was last reviewed in December 2022. This shows that the early stages of the next review should commence and include consultation on Issues & Options during 2023.

3.2 The plan sets out a development strategy to accommodate the level of growth that is required. This has regard to the adopted vision and objectives established in the local plan taking account national planning policy, sub-regional strategies for housing and employment, an extensive base of technical evidence (such as the Strategic Housing Market Assessment (SHMA) and the Strategic Housing Land Availability Assessment (SHLAA)). The process to prepare the local plan has several key stages of public consultation and following submission, the local plan is subject to independent examination by a Government appointed Planning Inspector.

3.3 The plans defines a Settlement Hierarchy (Policy GP2) and this has informed the distribution of the new housing across the Borough, focusing most development on Rugby town. Main Rural Settlements form the second tier of the settlement hierarchy, and includes Binley Woods (but not Brandon or Hill Top) where development will be permitted on allocated sites identified within the plan. There is one such site at Binley Woods (DS3.5, Land at Sherwood Farm, around 75 dwellings) which is allocated and through its inclusion, the boundary of the settlement and that of the Green Belt were changed by the plan CD15.3.4. Development in the Green Belt which complies with national policy is also listed in Policy GP2 albeit at the bottom of the hierarchy.

3.4 The amendment to the Green Belt boundary to accommodate the Sherwood Farm allocation is important because it confirms that the Green Belt was subject to a review through the local plan and, that the new boundary must have been devised in such a way as to endure in the long term without a need for further revision in the foreseeable future (CD15.3.4).

Types and size of housing provision

3.5 The local plan (in Policies H1 and H2) establishes the overall level for different housing tenures and sizes of dwellings, principally market and affordable housing, but also encourages (in Policy H4) the provision of specialist housing such as accommodation for the elderly.

3.6 The plan specifies the different types and sizes of dwellings required, to be taken into account when development proposals are being considered. The mixes are to be informed by analysis in the SHMA and are designed to try and ensure that everyone can secure housing of a size and type they need for their household and stage in the life cycle. The recommendations for the mix by dwelling size and type apply across the Borough. There is no attempt to differentiate between different parts of the Borough or between urban and rural areas. Policy H2 explicitly states that that the tenure and mix of affordable housing should be in compliance with the latest SHMA.

Plan, monitor, and review

3.7 The result of this process is an evidence-based approach that has been subject to extensive consultation, examination and testing. Notwithstanding this, plans become dated and Government policy requires they should be subject to regular review. In the intervening period, measures are put in-place to ensure that housing development opportunities are brought forward in line with that intended in the plan, thus opening up opportunities to take remedial action in the event that serious issues arise.

3.8 The key measures put in-place include, establishing whether a minimum Five Year Housing Land Supply (5YHLS) is maintained within the Borough on a continuing basis, the Housing Delivery Test (HDT) as well as the annual Authority Monitoring Report.

3.9 The most recent 5 Year Housing Land Supply Position Statement covers the period 2022-2027 and reflects the position at April 2022 (CD8.5). This shows (in Table 1) that the cumulative shortfall in housing provision against the indicative annualised average figure (it was not a requirement to achieve a set number each and every year) for Rugby Borough reached a high point in 2016-17 (at -620 dwellings) but since then, that shortfall has now reached a surplus in 2021-22 (at 297 dwellings) even though the annual requirement set out in the plan has risen from 540 to 663 dwellings per annum. With the required adoption of the 5% buffer, the effect is that at April 2022 the 5YHLS position was 5.7 years supply.

3.10 The report goes on to indicate that the trends suggest that the Borough is on target to meet the requirements set out in the local plan and, that taking account of NPPF paragraph 74 requirements regarding deliverability, a 5YHLS of 5.6 years can still be achieved. It should be noted that the summary states, *“A consistent supply of dwellings significantly above the annual requirement is expected. In the medium to longer term this is expected to increase the 5YHLS figure to a level comfortably above the 5 year threshold.”* It is possible that an update to this position will emerge before the public inquiry in which case it might be necessary to update this brief analysis.

3.11 The information in the Authority Monitoring Report 2021-22 (CD8.12) is consistent with that in assessment of the 5YHLS. Monitoring of affordable housing and specialist housing are included and these aspects are covered below.

3.12 The Housing Delivery Test (HDT) results for Rugby showed a total 3 year requirement of 1,708 dwellings against total delivery of 2,651 dwellings. The 2021 measurement, the latest currently available was 155% with no consequence for the local authority. In other words, under this important Government test, no issues were raised. The latest HDT results are

overdue and could appear before the public inquiry, in which case an update might be required.

3.13 An important interim conclusion to draw in relation to this appeal is that there is no compelling case to be made for the release of the appeal site to meet either an existing or likely apparent future shortfall in housing land supply within the Borough. In time, the requirement for the review of the local plan will roll forward the housing requirement and, no doubt, consider the potential development options to meet that future requirement. In the circumstances of this appeal, non-allocated sites of 5 dwellings or more (the windfall cut-off) should logically be considered through that process. Rugby Borough Council has fulfilled its duty to provide for the housing demand arising in its area, has demonstrated those requirements are being met with a 5YHLS being achieved on an ongoing basis. Furthermore, it has committed through its Local Development Scheme for a timely review of its local plan.

3.14 The position outlined above confirms that the provisions of NPPF paragraph 11d) are not engaged. .

The status of the appeal proposal within the housing land supply

3.15 There is the question as to how the appeal proposal for 124 dwellings should be classified. It is clearly not an allocated site so, if it were to come forward it would represent a 'windfall'. The NPPF Glossary defines windfall sites as , "Sites not specifically identified in the development plan." From the above analysis above, it can be concluded beyond doubt that the potential allocation of the appeal site was considered and rejected in the process leading up to the adoption of the local plan and the making of the BNNP. While that doesn't prevent a site being brought forward it cannot be assumed that the site is needed.

3.16 The table at 4.12 of the local plan anticipates that housing capacity on windfall sites to meet the overall requirement would be 630 dwellings 2017 to 2031, a period of 14 years and equivalent to 45 dwellings per annum. Paragraph 4.5 of the supporting text is clear, however, in that windfall sites for the purposes of the plan are sites with a capacity of less than 5 dwellings. So while the appeal site would be a 'windfall' if this appeal were to be allowed, it is clear that the housing capacity would not be required to achieve the housing requirement. Given the running surplus of completions it also suggests that if it were to be built out then it could delay development of allocated sites elsewhere.

3.17 Paragraph 4.14 of the local plan also states that allocated sites have potential to accommodate 6,290 dwellings of which it is assumed only 4,855 dwellings would be delivered in the plan period. This suggests that significant capacity already exists to help meet needs post-2031. In other words, housebuilding will not dry up in 2031.

3.18 A further interim conclusion at this point is that the need for the appeal site in the context of overall provision and supply of housing has not been demonstrated. The provision of 124 dwellings should therefore only carry only modest weight in the planning balance.

Housing on the appeal site

3.19 The market dwellings to be provided on site would not include any one bedroom properties, fewer 2 bed properties and thereby a significantly greater proportion of 3 bed properties as per the table at paragraph 7.2 of the Officers Report (CD06). This suggests that the footprint of the scheme would likely be larger than that required to meet a fully policy compliant scheme of 98 market dwellings.

3.20 The appeal proposal includes 20% or 25 affordable homes, which is consistent with the policy requirement should the Inspector agree that all of the appeal site is previously developed. Monitoring has shown some under-delivery of affordable housing compared to that identified by the SHMA (2015 update CD8.4) (113 vs 171 dwellings per annum). There are two points in relation to this. The acceleration of the housing requirement in the latter years of the plan means that the level of affordable housing across the plan period (2011-31) is likely to increase. Para 5.14 of the local plan (CD8.2) states, "*The target contained within the Policy H2 will clearly ensure that affordable housing need is met for all existing and future residents of the Borough*". Whilst Para 6.2 of the BBNP refers to support for affordable housing to meet, "*the needs of the elderly and also affordable housing to enable younger residents wanting to stay in the Parish*", there is no suggestion that the need is other than already identified through the SHMA/Local Plan process, nor that support arises when there is an objection to the particular development scheme/SCS acknowledge that the delivery of the affordable homes is a benefit but believes that the weight to be given to it in this case should be tempered by the fact that the Local Plan makes provision for all the need to be met, without reference to the appeal site. SCS believe that no more than moderate weight should be given to it in this case..

3.21 Moreover, the affordable housing mix proposed as part of the appeal scheme is at variance from that established in the local plan as summarised in the table set out at paragraph 7.7 of the Planning Officers report (CD06). In particular, the appeal scheme fails to provide for any 1 bed or 4 bed affordable properties. The report notes the shortfall in provision with the report explaining that the rural location justifies the mix proposed. However, SCS does not find the reasoning convincing. It is difficult to understand why, for example, that one bedroom properties would not be attractive on the appeal site. The site is not remote from Binley Woods. The housing officer consultee response regarding the rural location moreover related only to the social rent element of affordable housing, not to other types of affordable housing nor to market housing.

3.22 The local plan requirement is for a 84%/16% split between affordable rent and intermediate housing. The split in the appeal scheme would be 56%/44%.The Council state that this variation is appropriate in this location where there is a lack of demand for social rent.

3.23 Accordingly, given the likely future supply of affordable housing arising from the housing trajectory and the variation in the mix and type of affordable provision proposed, SCS contends that the weight attributed to the affordable housing in the planning balance should be reduced. There is no evidence in the annual Authority Monitoring Report (CD8.11) suggesting that any 'under-provision' of affordable housing is serious and not in a position to be reversed, dependent on progress in other schemes across the Borough.

3.24 Therefore, the Council remains in a position to deliver affordable housing in accordance with policy requirements in locations consistent with its agreed and tested development strategy in the local plan. This further suggests the potential to temper the weight attributable to the delivery of affordable housing on the appeal site.

3.25 SCS would suggest that the location of the affordable housing, which appears unnecessarily concentrated in areas facing the 3G sports pitch needs to be justified, against a more pepper-potted approach.

4. Matters Not in Dispute

4.1 At the point this evidence was prepared, efforts to agree a SOCG between the appellant and SCS were continuing. The principal areas of disagreement concern the principle of the proposed development.

4.2 Most of the list of matters set out in paragraph 19.12 affecting the environment (i.e. accessibility, trees and hedgerows, archaeology, highway safety, traffic flows, ecology, flood risk, drainage, air quality, noise, contamination, residential amenity, water conservation and carbon emissions) are not disputed by SCS because they do not play into the principle of development and are capable of satisfactory mitigation should the development proceed.

4.3 However, for the reasons set out above that does not extend to the weight that might be given to those factors in consideration of the planning balance.

5. The Overall Planning Balance

Benefits of the appeal scheme

(i) Economic Benefits

5.1 The main economic benefits of the appeal proposals include the following:

- Employment benefits arising directly from construction and indirectly from the support to suppliers. These benefits are recognised, but it is noted that the construction-related benefits would be temporary and relatively short-term in nature.
 - Increasing spending available to the local economy arising from the occupiers of the new development.
- * The likely modest level of economic activity that could be associated with the pavilion, dependent on the nature of facilities to be made available and their accessibility.

5.2 The weight to be attached to these benefits would be modest. Some of them could be effectively shifted from development that might have taken place elsewhere. However, those benefits should be also viewed in the context of the loss of speedway and stock car racing at the end of 2016, leading to the closure of the most important visitor attraction in Rugby Borough and the multiplier economic benefits that visitors to the area over more than a six year period as well as the loss of employment. The return of motorsport to the site would restore those benefits as well as creating additional activity through construction and restoration works. There is also the potential of additional economic benefits through the use of the stadium for additional sport, recreational and cultural activities.

(ii) Environmental Benefits

5.3 It is recognised that the appeal proposal could lead to some visual enhancement of the existing boundaries and the demolition of buildings that have been permitted to fall into a state of disrepair through neglect. As indicated above, SCS does not believe that these potential benefits of the scheme should be acknowledged, the effect of so doing would be to encourage other prospective developers elsewhere to encourage such degradation of sites and buildings in their care in order to secure planning permission for an alternative form of development.

5.4 Most of the environmental effects are capable of mitigation. However, the appeal scheme would lead to biodiversity net gain and provision of SUDS in order to policy compliant. These matters would be of modest positive benefit. Notwithstanding this, the loss of 3 protected oak trees would have a negative impact; and their proposed replacement by semi-mature trees is not certain of achievement in the long-term.

5.5 Set against this, however, the appeal scheme would result in substantial harm to the character and appearance of the area by reason of suburbanisation of this part of the countryside. The proximity of the new buildings and 3G facility on land that is currently open, to existing dwellings on Rugby Road and Speedway Lane, would appear as discordant and incongruous. The adverse effects would be substantial. The development of a substantial new housing estate on the appeal site together with the existing dwellings at Hill Top would make this area feel part of Binley Woods.

5.6 In relation to built heritage SCS recognizes there are no statutory protections on the site. However, SCS do believe that the appeal site, as a place associated with speedway and stock car racing in the UK and internationally, should be considered a non-designated heritage asset. It is a place of huge heritage significance not only to those sportspeople who have achieved the accolades but also for the many thousands of people who have witnessed and celebrated them. We urge the Inspector to recognise the significance of this place. SCS

feel the recognition of this heritage in the provision of a piece of public art is simply not appropriate and to many insulting. In my view NPPF para 203 applies: the effect of the application on the significance of a non-designated heritage asset (total loss of significance) should be taken into account in determining the application.

5.7 Taking these matters into account SCS contend that the overall effect on the environment would be substantial and negative.

(iii) Social Benefits

5.8 The appeal scheme proposes 25 affordable homes and a further 98 market homes. The site is not allocated in the development plan and the proposed mix of both market and affordable dwellings does not concur with the policy requirements set out in the local plan.

5.9 Whilst the provision of the affordable housing is often an important benefit, in this case there is no need for the site to be developed to ensure delivery of the identified need. In addition, the development scheme as a whole is not policy-compliant.

5.10. This assessment assumes that an appropriate S106 would be agreed and that should include the involvement of a registered social landlord but also that within that agreement there is no scope for the further weakening the affordable housing element of the appeal scheme. SCS reserves the right to amend its views once the S106 agreement has been made available.

The overall planning balance

5.11 SCS's evidence in relation to the main issues identified by the Inspector demonstrates that substantial harm would be caused to Green Belt in terms of the encroachment of built development onto open land that is designated as Green Belt. This would have a detrimental effect on the openness of the Green Belt as well as adversely impact on several Green Belt objectives. Very special circumstances have not been shown to exist to override the harm to the Green Belt and other harms. Accordingly, the scheme would conflict with the development strategy set out in the local plan (including Policies GP2 Settlement Hierarchy and DS1: Overall Development Needs) as well as Government policy as set out in the NPPF.

5.12 The adverse effects of the closure on the sports of speedway and stock car racing have been substantial. Despite having protection within the planning system, the lives and well-being of many thousands of people have been adversely affected through the closure of the stadium. Those same people look to this appeal to help remedy the situation..

5.13 The need for both sports at the appeal site continues and both sports have been adversely affected by the closure of Coventry Stadium. The appellants have failed to apply policy and proper analysis at the appropriate stages in bringing forward their redevelopment proposals and have been found guilty in Court for their neglect of the security of the site.

5.14 The stadium was viable for nearly 90 years (a gap during WWII excepted) and there is no reason to doubt it would continue to be viable should the stadium be saved and reopened. Government policy as (currently) set out in para 99 of the NPPF has not been met and the proposals should fail on this basis. The conflict with national policy in respect of the protection of sport and recreation facilities should be given very substantial weight, and SCS would argue even over-riding negative weight in the planning balance.

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6.15 I have summarised the other benefits arising from the appeal scheme above. The effects are mainly either neutral or in some cases adverse in nature. Those elements that may have a positive impact would, in my view, attract only modest weight.

5.16 Accordingly, the benefits arising from the appeal scheme are limited when set against the substantial adverse effects arising from the appeal scheme. The adverse effects are the impacts on Green Belt, conflict with government policy designed to protect sports and recreational facilities where there is a continuing need and where the benefits of the proposed 3G pitch and associated facilities would not outweigh the loss of the stadium. The appeal proposal clearly conflicts with multiple policies as set out in the local plan and BBNP, both of which remain up-to-date, as well as the NPPF and for these reasons SCS requests that this appeal be dismissed.

6. Draft Planning Conditions and Draft S106

6.1 SCS will respond as necessary to the Draft Planning Conditions at the public inquiry. At the time of writing the draft S106 was not made available. SCS will comment on the Draft S106 when it is available.

7. Summary and Conclusions

7.1 My name is David Carter and I am a chartered town planner with more than 40 years of experience. I am keen follower of stock car racing and I have been part of the campaign against the redevelopment of Coventry Stadium since the proposals first emerged in 2014.

7.2 My evidence covers the main issues as identified by the Inspector should be considered alongside that of Messrs Ford and Hunter. My evidence refers to the background to the appeal proposal including the development policy and planning history which are set out in detail elsewhere. My evidence also refers to the rich heritage of Coventry Stadium and the role it played in UK speedway and stock car racing. The remainder deals with the main issues (with the exception of education provision) which I summarise as follows.

7.3 In relation to Green Belt, the appeal proposal would have a greater and substantial adverse effect on objectives (a), (b), (c) and (e) and a neutral impact on objective (d). The appeal proposal would fail to meet the requirements of paragraph 149 and in particular 149(g). The appeal proposals would have a substantial adverse impact on the openness of the Green Belt. While the appeal proposal would make provision for some affordable housing, the Local plan specifically states (para 5.14) that the Local Plan's housing requirement (which includes 2,800 dwellings (including associated affordable housing) in Rugby's administrative area to meet Coventry's needs in Rugby will meet all of the affordable housing for existing and future Rugby residents. To that extent there is no need for this development. It follows that the appeal proposal would amount to an inappropriate development within the Green Belt having a substantial adverse impact on openness and the objectives of Green Belt as well as conflicting with the approach to Green Belt set out in Section 13 of the NPPF and the relevant policies of the local plan and BBNP. Very special circumstances are not put forward by the Appellant.

7.4 The stadium is not surplus to requirements having regard to national and local planning policies. There is a demonstrable and continuing need for Coventry Stadium for both speedway and stock car racing and that its closure has had a damaging impact on those sports locally, regionally, nationally and internationally. The proposals are in stark conflict with national and local planning policies. As such, SCS and all the people who have objected to the appeal proposals, reasonably expect that the planning system, and all those who operate within it, should respect and seek to protect such well-loved facilities.

7.5 SCS demonstrate that it would be both viable and realistic to restart both speedway and stock car racing at the appeal site as part of a phased restoration and enhancement. In time, additional community uses and other events (such as equestrian) would add to the sustainability of the stadium.

7.6 With regard to the need for the alternative sports provision proposed, while there would appear to be a case for some additional provision of the type proposed by the appellant to be made in the Borough, that need does not arise locally to the appeal site and, indeed, to do so could adversely affect the viability of alternative of existing provision nearby in Wolston. I conclude that there is no need for the identified alternative sports provision to be made on the appeal site. If this is indeed the case, then the appeal proposal should, in turn, fail.

7.7 The appellant makes no reference to the impacts arising from the loss of the stadium and the benefits of the alternative, which appears to have been devised in an attempt to overcome

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objections to the loss of the sports stadium in no way outweighs that loss. SCS believe this matter should also be afforded substantial and indeed over-riding weight.

7.8 On housing, there is no compelling case to be made for the release of the appeal site to meet either an existing or likely apparent future shortfall in housing land supply within the Borough. Rugby Borough Council has fulfilled its duty to provide for the housing demand arising in its area, has demonstrated those requirements are being met with a 5YHLS being achieved on an ongoing basis. Furthermore, it has committed through its Local Development Scheme for a timely review of its local plan. NPPF paragraph 11d) is not engaged. The need for the appeal site in the context of overall provision and supply of housing has not been demonstrated.

7.9 The Council remains in a position to deliver affordable housing in accordance with policy requirements in locations consistent with its agreed and tested development strategy in the local plan. As a specific point on the proposed layout, the location of the affordable housing, which appears unnecessarily concentrated in areas facing the 3G sports pitch needs to be justified, against a more pepper-potted approach.

7.10 My evidence goes on to examine the other benefits of the appeal scheme from economic, social and environmental perspectives. The other effects are mainly either neutral or in some cases adverse in nature. Those elements that may have a positive impact would, in my view, attract only modest weight.

7.11 Accordingly, I conclude that the benefits arising from the appeal scheme are limited when set against the substantial (and possibly over-riding in relation to loss of the stadium) adverse effects arising from the appeal scheme. The adverse effects are the impacts on Green Belt, conflict with government policy designed to protect sports and recreational facilities where there is a continuing need and where the benefits of the proposed 3G pitch and associated facilities would not outweigh the loss of the stadium. The appeal proposal clearly conflicts with multiple policies as set out in the local plan and BBNP, both of which remain up-to-date, as well as the NPPF and for these reasons SCS requests that this appeal be dismissed.