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SENT VIA EMAIL: contact@swdevelopmentplan.org

RE: South Worcestershire Development Plan Review Main Modifications Consultation: Representations in relation to MM3, MM9 and MM70, specifically in relation to Site WCEM02 (Land at the Junction of Parsonage Way, Worcester)

1. We submit these representations on behalf of Warndon Villages Parish Council ("WVPC") in response to the South Worcestershire Development Plan Review Main Modifications Consultation, which considers whether the Local Plan, as proposed to be modified, is legally compliant and meets the tests of soundness set out in national policy.

2. These representations are confined to the consequences arising directly from the proposed Main Modifications, and in particular from the deletion of the explanatory footnote relating to Site WCEM02 proposed by MM70. WVPC does not seek to re-open matters considered at earlier stages of the Examination, nor to restate Regulation 19 objections.

3. The representations relate to the following Main Modifications, which are interrelated in their effect:
- MM3 (SWDPR 02: Employment and Housing Requirements) - insofar as employment land totals rely on the inclusion of WCEM02.
- MM9 (SWDPR 08: Significant Gaps) - M5 Corridor
- MM70 (SWDPR 69: Worcester City Allocations) - specifically Site WCEM02

4. Prior to the proposed Main Modifications, the allocation of Site WCEM02 and its exclusion from the M5 Corridor Significant Gap were explained within the Plan by way of a site-specific footnote, which stated that the site was treated as available for allocation on the basis of an extant planning permission.

5. MM70 proposes the deletion of that footnote. The removal of this text has a material consequence: it removes the only articulated justification for both:
- the allocation of Site WCEM02 for employment use; and
- the associated exclusion of the site from the M5 Corridor Significant Gap reflected in MM9.

6. WVPC's concerns regarding reliance on extant planning permission as the premise for treating WCEM02 as a commitment were previously raised during the Examination hearings. The proposed deletion of the explanatory footnote now brings those concerns into sharper focus, as the modified Plan no longer expressly articulates the basis on which the site was treated as available and excluded from the M5 Corridor Significant Gap.

7. No explicit independent planning rationale is identified within the modified Plan, and it is unclear where such rationale is clearly articulated within the evidence base. The deletion of the footnote therefore leaves the Plan without any explicit reasoning for treating WCEM02 differently from other land within the Significant Gap. This is not a semantic matter. The footnote performed a specific explanatory function within the Plan, and its deletion creates an explanatory gap that bears directly on the tests of soundness, in particular justification and effectiveness.

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8. WVPC recognises that the evidence base underpins the allocation of sites and that detailed justification need not be set out in the Plan text itself. However, following the proposed deletion of the site-specific footnote, the Plan no longer contains any explicit reference to the basis on which WCEM02 is allocated and excluded from the M5 Corridor Significant Gap. If the allocation is intended to rely solely on material contained within the evidence base, WVPC respectfully invites the Inspectors to confirm where that rationale is clearly articulated, so that the basis for this policy outcome remains transparent and accessible.

9. Publicly available material also indicates uncertainty regarding the deliverability of the site, including the absence of any publicly available written discharge of pre-commencement conditions relating to planning permission 19/00826 and the continued existence of a restrictive planning obligation affecting the land. WVPC has not been able to identify any published material demonstrating that the continuing s.52 restrictive planning obligation was taken into account in the decision to allocate WCEM02 and remove it from the M5 Corridor Significant Gap. [See Annex A, points 5 and 6 for further detail]. WVPC does not seek to reopen those matters here; however, in circumstances where the Plan no longer articulates reliance on an extant permission, such uncertainty is directly relevant to the tests of effectiveness and justification.

10. Employment land totals referenced elsewhere in the Plan, including in MM3, rely in part on the inclusion of WCEM02. Accordingly, the consequences of the footnote deletion extend beyond the site-specific allocation to the presentation of employment land supply within the modified Plan.

11. If the Plan no longer articulates reliance on that premise as determinative, and if the allocation is not supported by an independently evidenced planning rationale separate from that assumption, the basis for the allocation is unclear. In those circumstances, the allocation of WCEM02 and the associated Significant Gap boundary change risk lacking clear justification and effectiveness.

12. WVPC respectfully notes that resolving this issue at the Main Modifications stage would avoid uncertainty being carried forward into the operation of the adopted Plan, particularly where the allocation of WCEM02 and the associated removal of Significant Gap protection would otherwise rest on assumptions no longer articulated in the Plan or justified by its evidence base.

13. To remedy the consequences arising from the deletion of the footnote, the Plan must either:

- include clear and explicit reasoning explaining why the allocation of WCEM02 and its exclusion from the M5 Corridor Significant Gap remain justified in the absence of reliance on an extant planning permission; or
- delete the allocation of WCEM02 and restore the site to the M5 Corridor Significant Gap.

14. WVPC invites the Inspectors to consider whether, following the proposed Main Modifications, the Plan continues to explain and justify the allocation of WCEM02 and the associated Significant Gap boundary change in a manner consistent with the tests of soundness.

15. For the avoidance of doubt, these representations are directed solely to the consequences of the proposed Main Modifications and are not intended to reopen matters previously examined.

Yours sincerely,



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Annex A

Documentary Context Relevant to Site WCEM02

This annex is provided solely to assist in clarifying the evidential context and does not seek to reopen matters previously examined.

1. **SWDPR Publication Version (Reg 19)**
Site WCEM02 was accompanied by a footnote stating that the site was treated as available on the basis of an extant planning permission.

2. **Employment Site Assessment (October 2022)**
The site is recorded as having planning permission (P15P0013; 19/00651; 19/00826).
Certain policy and landscape considerations are recorded as mitigated on the basis that planning permission exists.

3. **EDNA (2022 and 2024 Updates)**
The site is included within employment commitments supply.
That classification reflects its assumed planning status.

4. **Sustainability Appraisal (Reg 19)**
The site is assessed as an allocation within the Plan framework.
No separate policy justification for removal from the Significant Gap independent of its assumed planning status is identified.

5. **Planning Status Evidence**
(a) No written discharge of pre-commencement conditions attached to permission 19/00826 has been identified on the public register.
(b) Correspondence from the Council's Service Manager (Development Management), October 2025, confirms that all issued Discharge of Condition decisions are publicly available.

6. **Section 52 Restrictive Planning Obligation (1988)**
Legal correspondence between solicitors in 2023/24 records the Council's acknowledgement that the obligation remains in force.