

unsound:

A study of the inconsistent assessments of SG04/KEN.1, and the subsequent decisions to identify it as preferred site and reclassify as Grey Belt, which demonstrates the SWLP is:

- Not positively prepared**
- Not based on proportional evidence**
- Inconsistent with national policy**
- Not legally compliant**

Joe Rukin,
September 2026.

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Executive Summary.

This document is a detailed report concerning the assessments of the proposed Strategic Growth Site KEN.1/SG04¹ in the South Warwickshire Local Plan (SWLP) up to the Regulation 19 Stage. This report aims to demonstrate significant errors and omissions in the evidence base and methodologies used to justify the allocation of KEN.1/SG04 as a preferred site, and determine it can be reclassified as Grey Belt due to it incorrectly being deemed to make a low contribution to Green Belt purposes.

A local plan must be based on a robust, credible, and proportionate evidence base. Without such an evidence base, a local plan cannot be justified and is unsound. This report demonstrates that the SWLP evidence concerning KEN.1/SG04 is based on analyses which have failed to follow planning policies, not only in contradiction with several principles of the National Planning Policy Framework (NPPF), but policies set down by the local authorities. Many of the reports prepared in the SWLP process are incomplete, contradictory, with several containing assessments and conclusions which are evidently and demonstrably incorrect. This means the conclusions reached in the SWLP concerning KEN.1/SG04 are unsound, unjustified, and not legally compliant.

The Sustainability Appraisals

The presumption of the SWLP was made in line with Paragraph 11 of the December 2024 NPPF, that “*Plans and decisions should apply a presumption in favour of sustainable development.*”. However, the assessment that KEN.1/SG04 is a sustainable site is highly suspect, due to there being clear flaws in the Sustainability Appraisals:

- The Cultural Heritage score given for KEN.1/SG04 ignored the fact that the site is clearly visible from Kenilworth Castle, and would impact its setting of open countryside which has been protected from development for centuries. The Reg 18 SA made no mention whatsoever of Kenilworth Castle, which is a Primary English Castle of international significance. The Reg 19 SA included a single mention of Kenilworth Castle, stating that ‘*development **may** affect the setting*

¹ At Regulation 19 Stage, the site has been redesignated as ‘KEN.1’, however up until this point it was designated ‘SG04’. However, as many of the documents referenced in this report pre-date Regulation 19, and many of the official SWLP Regulation 19 documents still use ‘SG04’, for clarity, ‘KEN.1/SG04’ has been used throughout this report.

and surrounding historic character', before suggesting impossibly impractical mitigations to minimise effects.

- The Regulation 18 SA used the existing “*Landscape Sensitivity, Ecological and Geological Study*” to assess landscape scores across Warwick District, a study which had solely assessed land surrounding villages in the previous Warwick District Local Plan and did not cover any part of the KEN.1/SG04 site. As such a landscape rating in the Reg 18 SA was awarded without any study having been conducted relating to the landscape of KEN.1/SG04. Land on the opposite side of the Cattle Brook valley from KEN.1/SG04 had been assessed in that earlier report, as it is adjacent to the village of Leek Wootton. That parcel received a high landscape sensitivity rating. This error in methodology was pointed out by many members of the public during the Reg 18 consultation. The response has not been to correct this oversight and conduct a genuine landscape study, but simply to remove all references to the “*Landscape Sensitivity, Ecological and Geological Study*” from the Reg 19 SA.
- The conclusion of the Flood Risk Assessment is completely contradictory to the facts presented in the assessment. The Strategic Site Screening (Appendix F) of the Strategic Flood Risk Assessment, published as late as May 2026 claims KEN.1/SG04 is not within 5 metres of and does not contain any watercourses, despite the fact that Cattle Brook makes up the southeastern boundary of the site, occasionally coming inside the site due to field boundaries switching sides of the brook. However, that document also states that 60% of the site is at risk from surface water flooding, which according to the stated methodologies in the SA (E.3.3) should have seen KEN.1/SG04 given the highest rating for flood risk (anything higher than 50% should get the highest rating). KEN.1/SG04 was awarded the joint lowest Flood Risk rating of any of the SGLs in both SAs.
- Throughout the SAs, pollution scores have been derived purely by physical distance to various features, with railways lines and watercourses considered equal. The scoring methodology used to rate pollution impacts makes it impossible for any site to achieve a high pollution rating in this appraisal. This is despite the fact that Cattle Brook, which makes up the southeastern border KEN.1/SG04, is regularly subject to an active and well-known sewage outflow, exasperated by periods of high surface run-off from KEN.1/SG04. This is a well-documented problem which development of KEN.1/SG04 will impact on, and which the Reg 19 SA makes no attempt to assess, despite this issue being raised by members of the public in the Reg 18 consultation. No mention of Cattle Brook is made in any of the Reg 18 or Reg 19 SA documents.
- The failure to assess potential impacts on what is a well-known and documented existing pollution issue, is made worse by the fact that Cattle Brook is also a designated Local Wildlife Site. No consideration has been taken of this in the biodiversity assessment.

- The economy rating for KEN.1/SG04 is a cut and paste assessment solely concerned with the economic activity surrounding construction. No assessment has been made as to how development, which would be visible and audible from the viewing platform English Heritage spent £1.1m on constructing in 2014, would impact visitor numbers at Kenilworth Castle, which currently attracts circa 120,000ⁱ visitors per year and supports hundreds of jobs in Kenilworth. This potential impact on the visitor economy is not mentioned once in any of the SWLP documents. In 2010 English Heritage estimated that their investment in restoring the Elizabethan Gardens had generated an additional £350,000 (GVA) locally and £470,000 regionally per yearⁱⁱ.

The sift analysis in the SA was the primary document identifying preferred options for development in the SWLP. It ranked KEN.1/SG04 as the fifth best performing SGL overall. As listed above, there is clear evidence that at least six of the thirteen ratings for KEN.1/SG04 in the SA are not robust, not credible, unsound and unjustified as they have not been derived from a reliable or proportionate evidence base. If the assessments highlighted above had been made based on the actual evidence, KEN.1/SG04 would not have been ranked as a preferred site.

The Exceptional Circumstances Topic Paper

The SWLP Exceptional Circumstances Topic Paper (ECTP) uses the Arup Green Belt Review Stage 2 as the sole source of evidence in determining KEN.1/SG04 provides a weak Green Belt contribution and can be redesignated as Grey Belt.

The wider exceptional circumstances rationale put forward to remove Green Belt protection is exceptionally weak, with the previous planning inspector stating that the regarding the justification for releasing *land from the Green Belt*:

“The Council’s rationale must be very clearly set out in the explanatory text. Currently the explanation is not sufficient. This must include the strategic-level exceptional circumstances – the overarching need for the development and the contribution to a positive spatial strategy. It must also include the local level exceptional circumstances – the contribution of the site to Green Belt purposes, together with landscape, transport and other considerations.”

This method of determining where exceptional circumstances for removing Green Belt protection has been based on a highly selective interpretation of what constitutes sustainability, and seems to coalesce exactly with sites which are most profitable for developers. The year 2025 saw six housing estates under construction on the edges of Kenilworth with the same arguments made about sustainability, but there has been no additional public service provision. Instead, these public services, along with the transport infrastructure has become more over-stretched. This is by definition unsustainable.

Additionally, the main argument put forward for considering KEN.1/SG04 to be a sustainable location (and the only measure of sustainability used to discount three other sites in the 'Other Reasonable Options' assessment) in the ECTP was an over-playing of the significance and connectivity of Kenilworth Railway Station. The August 2026 NPPF has now provided a clear definition of what consists a "well-connected station", and Kenilworth Station does not meet that criterion.

The determination that KEN.1/SG04 makes a weak contribution to the Green Belt and can be reclassified as Grey Belt is not consistent with the evidence.

The Grey Belt Tests

The Purpose A assessment, of whether Kenilworth is part of 'large built-up area' has subjectively changed throughout the process. The 2015 Coventry and Warwickshire Green Belt Review determination that Kenilworth was part of a large built-up area was rescinded by the SWLP. However, all assessments throughout the process have ignored the existence of the Red Lane ribbon development which connects Kenilworth to Coventry via Burton Green. If it were correctly accepted that Red Lane, the southern end of which was originally part of Kenilworth, represents continuous development, then Kenilworth is connected to Coventry and should be considered to be part of a large built-up area. Additionally, there is existing precedent to this determination. As part of a planning appeal conducted in 2024 (Ref 3332671, Para 100), Kenilworth was judged by the Planning Inspectorate to be one of three "large built-up areas" surrounding Honiley.

On the Purpose B assessment, the Stage 1 Green Belt Review conducted by Arup cautioned against multiple parcels (in that review what is now KEN.1/SG04 was split across KEN8 & KEN9) being developed, as this would result in Kenilworth getting closer to Leek Wootton, with this considered a stepping-stone toward bringing a combined settlement closer to Leamington/Warwick. This was considered to be the single-

greatest Purpose B issue in the SWLP. The Stage 2 Green Belt Review was completed after preferred sites had been identified, and the potential of the Kenilworth/Leek Wootton closing to Leamington/Warwick was dismissed as Leek Wootton is a village, not a town. The justification is that towns can acceptably get closer to a village between these towns, as this does not mean the towns are getting closer, and this only becomes an issue when one of those towns actually consumes the village in between.

The Purpose D assessment is the most fundamentally and easily evidenced as unsound part of the decision to classify KEN.1/SG04 as Grey Belt.

Most obviously, the Green Belt Review and other reports which judge that KEN.1/SG04 provides little or no contribution to Green Belt Purpose D and can therefore be reclassified as Grey Belt, either downplay or completely ignore the setting and historic landscape of Kenilworth Castle and the associated Registered Park and Garden (RPG), whilst reports which do not form part of the Green Belt Purpose D judgement, accept the setting of these heritage assets would be significantly impacted by development and attempt to identify mitigation. This direct contradiction within the SWLP is totally inconsistent and completely undermines any idea that KEN.1/SG04 makes no contribution to Purpose D and can be reclassified as Grey Belt. If there is no Purpose D contribution, then there is no need for mitigation.

The Heritage and Settlement Sensitivity Assessment (HSSA), published early in the SWLP process in September 2022, was the only detailed heritage assessment carried out as part of the SWLP, was very clear that developing KEN.1/SG04 would represent a highly significant impact on the setting of Kenilworth Castle. The response to the Regulation 18 consultation from Historic England reached the same conclusion.

The HSSA rated 'West of Kenilworth' as 'Red' due to negative impacts on the setting of Kenilworth Castle, a Primary English Castle of international significance and scheduled monument. What is now classified as SG04-01 (and previously KEN9) is wholly contained within this area. In their consultation response, Historic England noted that part of KEN.1/SG04 is in the Kenilworth Castle Deer Park, which contains historic earthworks connected with the Castle, but more importantly they responded: "**high level of concerns**: development here has the potential to cause harm to the setting Kenilworth Castle LB (GI) and RPG (GI*)". KEN.1/SG04 was one of only two Strategic Growth Locations in the whole SWLP which Historic England stated they would prefer **not** to be carried forward into the Regulation 19 Plan in its current form.

Historically, Kenilworth has had a hard western border which has been dictated by the setting of Kenilworth Castle. Even with massive house building programmes in the 1960s, these developments deliberately halted short of the sightlines from the Castle, a fact confirmed in the 2017-2029 Kenilworth Neighbourhood Plan. **However, the Arup Green Belt Reviews considered proximity to the Kenilworth Conservation Area as the only factor in determining Purpose D contribution.**

The Arup methodology relied solely on a 250m distance to the Conservation Area in concluding KEN.1/SG04 had no contribution to Purpose D. This took no consideration of topography, the historical landscape, or the setting. This methodology not only rejected the opportunity to have a robust and credible evidence, but ignored both national legislation and local policies. Determining that linear measurement is the sole factor to be considered when assessing potential impacts heritage is clearly irrational, unjustified, unsound and is not legally compliant.



KEN.1/SG04 as seen looking south from Kenilworth Castle. Left of the oval are two properties on Farm Road associated with the farm, built prior to the 1960s development. To the right is Oaks Farm.
Photo Courtesy of Kenilworth Town Council, taken from the viewing platform in Leicester's Building.

The NPPF, standing policies from the Warwick District Local Plan 2011-2029 (WDLP), and the new SWLP policies support the approach that the setting of heritage sites must be given high consideration. Section 16 of the December 2024 NPPF specified that there was a requirement to consider the setting of heritage assets, with the level of detail used proportionate to the assets' importance. Section 20 of the August 2026 NPPF places more emphasis of the significance of the heritage assets, specifically in section HE5(1). Kenilworth Castle is a Primary English Castle of international significance and scheduled monument.

During Regulation 18, the SWLP would have been governed by Draft Policy Direction (DPD) 27 which stated *"A strategic historic environment policy will: Preserve and enhance the historic environment (including its setting) for its inherent value, and for the enjoyment of residents and visitors."*

The assessments that KEN.1/SG04 provides **no contribution** to Purpose D is clearly contrary to this and the now finalised Strategic Objective 7 (SO.7) of the SWLP, titled *"Conserving and enhancing our heritage and cultural assets"*, as well as policy BN.9 Heritage Assets.

Following the HSSA and the first call for sites, those evidence reports which were used to judge Purpose D contribution such as: the Regulation 18 Sustainability Appraisal; two Green Belt Reviews; the Exceptional Circumstances Topic Paper; and several evidence reports stemming from that paper prepared to satisfy Regulation 19 requirements, claimed there is no impact on the setting of Kenilworth Castle, and have not been prepared in line with policies concerning the setting of heritage assets and historic landscapes. The Reg 18 SA prepared by Lepus Consulting in December 2024, which ranked KEN.1/SG04 as the fifth most suitable Strategic Growth Location, leading to it being chosen as a preferred location **made no reference whatsoever to Kenilworth Castle** in any of the 408 pages across two volumes, whilst the Reg 19 SA was updated to include a single reference to Kenilworth Castle, stating there 'may' be an impact.

Reports which are concerned with construction on KEN.1/SG04 mostly agree there would be an impact on the setting and sightlines of the Castle or the RPG. Meaning there is a clear, unjustified and unsound inconsistency in the conclusions of the assessments used to judge no Purpose D contribution and justify development, and the conclusions of the assessments used to suggest the constraints dictating how such construction would take place. More recently, the conclusion of the South Warwickshire

Landscape Sensitivity Assessment prepared by LUC in April 2026, claimed concerning KEN.1/SG04 that: “*The skyline is largely undeveloped, with **no notable landmark features.***”



This photo was taken from the public footpath in KEN.1/SG04, courtesy of Kenilworth Town Council.

The South Warwickshire Landscape Sensitivity Assessment (LUC, April 2026) claims there are no notable landmark features of the skyline to be seen from KEN.1/SG04.

This LUC report is one of many reports which has failed to understand that Kenilworth Castle, a Grade I scheduled monument, and the much larger Grade II* Kenilworth Castle Park and Garden in which it sits are two different things. Warwick District Council does not include the Grade II* Kenilworth Castle Park and Garden (and the Pleasance, another scheduled monument which sits inside it) in the Kenilworth Conservation Area, despite it being the largest heritage site in Kenilworth.

In response to comments from Historic England, a Heritage Impact Assessment (HIA) was published in May 2026, which seems to be a contrived document with no indication of provenance. Many of the HIA documents state events took place in 2025, specifically

the setting of site boundaries on December the 11th, which actually happened on that date in 2024. The councils were asked to clarify this via FOIA request, and have stuck by the assertion that these are the original documents, claiming an event known to have happened in 2024, actually happened on that date in 2025. Even without this, these analyses are confusing, contradictory, and highly suspect in terms of their efficacy.

Specifically, the HIA for KEN.1/SG04 concludes that the setting of Kenilworth Castle is significant, but that KEN.1/SG04 has no significance concerning that setting. Contradicting this, the document then accepts there would be an impact on the setting of Kenilworth Castle, by suggesting a buffer could be included to reduce the impacts on the sightlines of Kenilworth Castle. Due to the topography of the site (see first photo), this is simply not possible with the proposed development, unless the proposed trees could have been planted a century ago.

While it was claimed the HIA was conducted in response to comments from Historic England, this report which has been produced with unknown authorship and methodology, makes no attempt to address the issues raised by Historic England, and completely fails to address the requirements of the NPPF, whether that be Paragraph 207 of the December 2024 NPPF, or Section HE5:1 (and others) of the August 2026 version. As such it cannot be considered legally compliant.

The HIA perfectly distils the contradiction in the SWLP documents concerning KEN.1/SG04 and Purpose D, in that it both claims that KEN.1/SG04 would not impact on the setting of Kenilworth Castle, whilst at the same time suggesting mitigation to minimise the impacts on the setting of Kenilworth Castle.

The contradiction running through the SWLP documents is quite simple: If there is no impact, there is no need for mitigation.

Timeline

This timeline seeks to record the chronology of events relevant to this paper. It does not claim to be comprehensive, but makes no deliberate omissions.

1958: Lord Kenilworth gives Kenilworth Castle to the people of Kenilworth.

May 1967: The castle housing estate is completed to what is at that point the southwest of Kenilworth. It is designed to deliberately stop short of interfering with the sightlines and setting of Kenilworth Castle. While there have been many significant developments on (what were) the peripheries of Kenilworth since then, none have suggested building to the west of this estate.

1971: The Kenilworth Conservation Area, centred around the Castle, Abbey Fields and High Street was designated. This happens around the same time that Kenilworth Castle is scheduled a Grade I listed Building.

August 1975: The Statutory West Midlands Green Belt takes effect in Warwickshire. This happens a year after boundary changes which established the West Midlands County, taking Coventry and other land surrounding Kenilworth out of Warwickshire. The area to the west of Kenilworth was designated from this point, though land to the east was not designated Green Belt, and later developments in the 1980s filled out towards that boundary.

1984: English Heritage take over the management of Kenilworth Castle. It still belongs to the people of Kenilworth, with Kenilworth Town Council retaining the deeds and administering a free residents pass scheme.

February 1985: The Kenilworth Castle Park and Garden (RPG) is designated Grade II*. Sitting inside it are Kenilworth Castle (Grade I, Nov 1971) and the Pleasance (Scheduled Monument, Nov 1928).

2005: The most recent update is made to the Kenilworth Conservation Area. The Kenilworth Castle Park and Garden is not included in the KCA, despite the fact it was designated Grade II* 20 years earlier, and is larger than all the other heritage sites in Kenilworth put together, and is adjacent to and partially overlaps the existing KCA boundaries.

May 2007: The Warwick (Parish Electoral Arrangements and Electoral Changes) Order 2007 took effect, introducing new ward boundaries across Warwick District. This moved the southern end of the Red Lane ribbon development, which since construction had been officially part of Kenilworth until this point, into Burton Green and the Stoneleigh Parish. The standalone Parish of Burton Green was subsequently formed in 2011.

November 2007: (possibly earlier) A landowner erects a sign across the road from what will become the border of the southeast corner of KEN.1/SG04 which said: "Dear People of Kenilworth, is it legal to put your untreated sewage on our property?" following repeated sewage outflows into Cattle Brook which flooded the adjoining fields.

July 2009: English Heritage open the restored Elizabethan Gardens inside Kenilworth Castle after a five year and £4.8m restoration project.

November 2013: The Landscape Sensitivity, Ecological and Geological Study is carried out as part of the Warwick District Local Plan to assess land surrounding villages as part of an assessment to identify potential development sites. This study will later form the entire evidence base for Landscape in the Warwick District in the SWLP Sustainability Appraisal, even though KEN.1/SG04 and other areas around towns were not included in this study.

September 2014: English Heritage open an 18-metre viewing platform in Leicester's Tower with 'Views fit for a Queen', which look out onto what is now the proposed KEN.1/SG04 development site.

June 2015: The Coventry and Warwickshire Green Belt Review produced by LUC concluded that Kenilworth was part of a 'large built-up area' due to its proximity to Coventry.

September 2017: The 2011-2029 Warwick District Local Plan is formally adopted.

September 2018: The updated Kenilworth Neighbourhood Plan produced by Kenilworth Town Council confirms that the setting of Kenilworth Castle is the reason development has not occurred to the west of town: *"Because the Castle, with its associated historic Mere and park area, is on the western side of the town it has restricted development on that side."*

November 2019: Permission is given for the construction of the Pavilions Estate on the Warwick Road to the south of Kenilworth. It reduces the gap between Kenilworth and Leek Wootton to 900 metres, meaning if it had existed at the time of the CWGBR, the land to the South would have been given the maximum rating for Purpose D in that study.

September 2022: The Heritage and Settlement Sensitivity Assessment for the SWLP is produced by Place Services (Essex County Council). It concludes *"The western side of the settlement comprises the area to the north of Rouncil Lane ... This entirety of the west side of the town is highly sensitive and susceptible to change. The heritage assets retain their links to the rural landscape which provides an important contribution to the significance of these assets. There is little scope for the accommodation of development in this area.... The presence of the castle, priory and church makes development to the west highly damaging to the historic environment of the town"*

September 2023: A critique of Coventry and Warwickshire Green Belt Review considers that Kenilworth not to be part a 'large built-up area', but at the same time states that ribbon developments are *"widely recognised to be a common pattern seen when urban areas experience sprawl"*, ignoring the existence of the Red Lane ribbon development which connects Kenilworth to Coventry via Burton Green.

23rd July 2024. During a planning appeal concerning a solar farm near Honiley, the Planning Inspectorate judged Kenilworth to be one of three "large built-up areas" surrounding the site. (Appeal Reference 3332671, Paragraph 100).

18th September 2024: Stage 1 of the Arup Green Belt Review is published. It cautions against building between Kenilworth and Leek Wootton, as this is the narrowest part of the gap between Kenilworth and Leamington/Warwick/Whitnash. In this review, this gap is considered to be the

most important location in the entire SWLP for Purpose B. The review scores Purpose D purely on proximity to the Kenilworth Conservation Area, ignoring the conclusions of the HSSA, policy HE1 from the WDLP, NPPF Section 20 (was S16 then), and the formative SWLP DPD27. It uses site designations of KEN8 and KEN9 which become SG04-02 and SG04-01 in Stage 2.

November 2024: Ahead of the public consultation an interactive map is produced in line with the Housing and Economic Land Availability Assessment (HELAA). This map does not consider the long-standing Red Lane ribbon development, which connects Kenilworth to Coventry via Burton Green, to be part of the settlement of Burton Green or the urban area of Kenilworth.

November 2024: The Emerging Spatial Growth Strategy considers Kenilworth to be an urban area on one of five (technically three due to merging) main towns in the SWLP. The significance of Kenilworth Railway Station is inflated, based on theoretical non-existent services.

December 2024: The Regulation 18 Sustainability Appraisal is published by Lepus Consulting. This document ranks KEN.1/SG04 in the top five SGLs and sees it chosen as a preferred location. **There is not one single mention of Kenilworth Castle or the Kenilworth Castle Park and Garden** in any of the 408 pages across the two volumes. This is a fundamental failure which discredits the entire appraisal of preferred locations. KEN.1/SG04 assessments concerning landscape, pollution, and biodiversity are also questionable.

11th December 2024: Site boundaries are locked in prior to the Regulation 18.

12th December 2024 (morning): The new NPPF is announced which introduces the concept of Grey Belt. Government also increase the SWLP annual housing target from 1,206 to 2,188, changing the 'to find' number from 15,532 to 28,257.

12th December 2024 (evening): Despite calls include a question asking if the length of the period the SWLP should run could be reduced to 2043 instead of 2050, the Joint Cabinet decide to press ahead with the SWLP public consultation as planned, to avoid extra work for council staff.

10th January 2025: SWLP Regulation 18 consultation on preferred options begins.

12TH February 2025: In an online SWLP consultation meeting, staff members confirm that conclusions will not be swayed by weight of responses, but only if it is evidenced that the methodology and assessments are demonstrably unsound.

6th March 2025: Historic England respond to the SWLP consultation, stating that regarding KEN.1/SG04, they have: ***“high level of concerns: development here has the potential to cause harm to the setting Kenilworth Castle LB (GI) and RPG (GII*)***. KEN.1/SG04 is one of only two SGLs Historic England say they would prefer **not** to be carried forward to the Reg 19 Plan in its current form, asking for: ***“the areas that contribute to the significance of Kenilworth Castle to be removed.”***

7th March 2025: SWLP consultation closes. 81% of respondents opposed KEN.1/SG04 with just 12% in support. In percentage terms it is the 5th most opposed and the 4th least supported out of 24 Strategic Growth Locations.

11th December 2025: Some of the Heritage Impact Assessment documents published in May 2026 go on to claim that SWLP site boundaries were set on this day, a year after they actually were. This can only be seen as an attempt to pretend the 2026 HIA is a genuine assessment, and not a shoddy edit of an earlier document, attempting to dismiss valid concerns prior to Regulation 19.

April 2026: The South Warwickshire Landscape Sensitivity Assessment prepared by LUC states that regarding KEN.1/SG04, *“The skyline is largely undeveloped, with **no notable landmark features**.”*, despite Kenilworth Castle being clearly visible from the site.

30th April 2026: An edited version of the Arup Green Belt Review Stage 1 is published which retrospectively adds the concept of Grey Belt. This seeks to add an extra justification to the removal of Green Belt protection, after the decision had already been made. The public consultation did not include any references to Grey Belt.

May 2026: The Arup Stage 2 Green Belt Review is published. It now considers the gap between Kenilworth and Leek Wootton to be unimportant and *“The gap between Leamington Spa/Warwick and Kenilworth is considered to be ‘less essential.’*, as Leek Wootton is just a village. It further contradicts the Stage 1 report, stating that *“SG04- 01 and SG04-02 do not sit within the narrowest part of the gap between the towns.”*. The Purpose C designation of SG04-01 (KEN9) is downgraded from ‘strong’ to ‘moderate’. As with Stage 1, the review scores Purpose D purely on proximity to the Kenilworth Conservation Area, failing to comply with NPPF (Dec 2024) S16, and the newly established SWLP SO.7, and policy BN.9, ignoring the conclusions of the HSSA and failing to acknowledge the concerns raised Historic England.

May 2026: The Regulation 18 response from the Planning Inspectorate to the SWLP states: *“...the plan identifies land for release from the Green Belt despite there being potential development sites beyond the Green Belt. The Council’s rationale must be very clearly set out in the explanatory text. Currently the explanation is not sufficient.”*

May 2026: An unattributed Heritage Impact Assessment is published in response to comments from Historic England, which seems to both completely dismiss and begrudgingly agrees with the point that KEN.1/SG04 would damage the setting of Kenilworth Castle. Some site-specific documents cite site boundary changes on the 11th of December, suggesting these are documents from 2024, hastily and shoddily edited in time for Regulation 19. Some documents claim boundary changes happened on the 11th of December 2025, which is simply not the case.

May 2026: The AECOM Masterplan states: *“While the castle and its formal grounds are located outside the site boundary, their setting, key views, historic character and cultural significance extend beyond the designated boundary. As such, the presence of this heritage asset requires a careful and sensitive design-led approach.”*

May 2026: The AECOM Baseline Report RAG analysis rates the interdependencies and risk concerning the setting of the Castle as RED, and the Landscape Proforma states: *“The landscape setting of Kenilworth Castle is of significant importance. Development should not impede views to and from the Castle particularly along Rouncil Lane. The existing open parkland character of the Castle should be maintained.”*

28th May 2026: the Public Document Pack for the Joint Cabinet Meeting states that regarding KEN.1/SG04 (redesignated here as KEN.1) there is a need to: *“Incorporate a buffer to the north-west of the site to minimise any impact on sightlines from Kenilworth Castle”*.

July 2026: Annex C, an unattributed Strategic Site Selection Rationale is published. The HIA section of this document makes no mention of the setting of Kenilworth Castle. The Green Belt section exists only to dismiss any Purpose B arguments concerning the gap with Leek Wootton. The Masterplan section has been copied from the AECOM report which suggests the site, which includes the side and top of a hill facing Kenilworth Castle, could be screened from the Castle.

July 2026: The South Warwickshire Review of Landscape Policies concerning ‘Areas of Restraint’ is published by LUC. The proposed Area of Restraint for Kenilworth ignores any land associated with the Castle, and consists solely of Abbey Fields, which has been scheduled monument since 1923.

14th & 15th July 2026: After various attempts to rejig the SWLP, the Joint Cabinet and individual District Councils meet on consecutive days. Despite the fact a main part of the PINS feedback was the lack of headroom, and this issue does not seem to have been resolved, the option of running the plan for a shorter period time which would solve this problem and not considered.

16th July 2026: Government confirm that existing 1st and 2nd tier councils in Warwickshire will be abolished. Stratford and Warwick District Councils will be merged into a unitary authority which will also take over the responsibilities of the County Council in South Warwickshire. Elections for the newly formed councils are due to be held in May 2027, at which point shadow operations will swing into action until the new authorities takes full control in 2028, when the existing councils will be wound up.

21st July 2026: SWLP Regulation 19 Consultation begins.

10th August 2026: Catesby Estates launch an informal public consultation concerning their outline proposals for KEN.1/SG04.

17th August 2026: An updated NPPF is published.

8th September 2026: SWLP Regulation 19 Consultation ends.

Preamble.

An updated National Planning Policy Framework (NPPF) was introduced on the 12th of December 2024, at the same time as the annual new home building target in South Warwickshire (which combines Warwick and Stratford Districts) was increased from 1,206 to 2,188. This saw the net 'to find' amount for the SWLP go from 15,532 to 28,257.

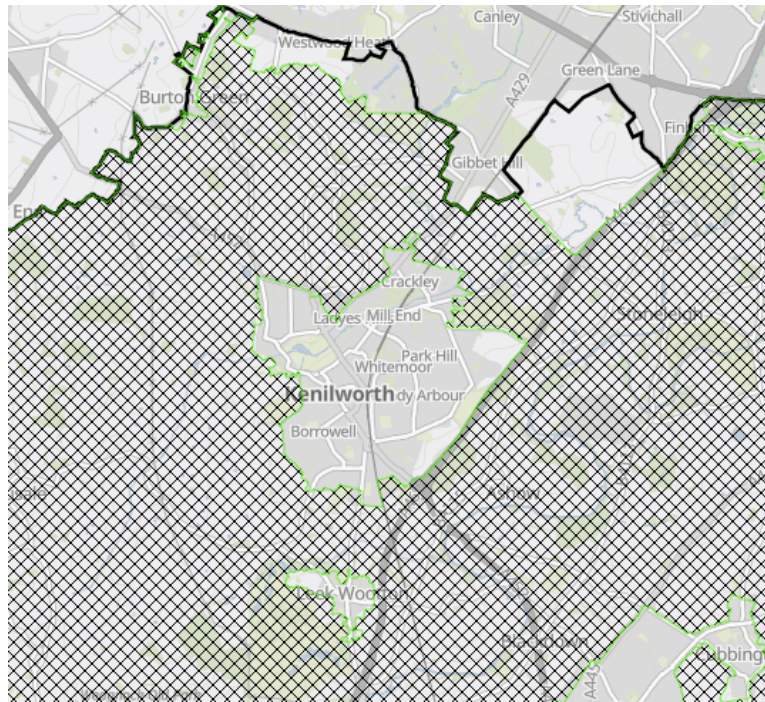
Later that day, the Joint Cabinet of Warwick and Stratford District Councils dismissed any suggestion that this would have any impacts on the planned SWLP Preferred Options Consultation. It had been proposed at the meeting that the public should be asked if the plan length should be reduced by seven years, to cover a period ending in 2043, opposed to the proposed 2050, but this was dismissed.

This decision seemed counter-intuitive, as many councillors had expressed the opinion that the previous Government had set what they believed were overly-high housing targets for South Warwickshire, and the longer the local plan, the more tied you are to such targets. However, it was felt that having a shorter plan would mean the staff and officers at Warwick and Stratford District Councils having to start work on the next plan sooner, and that the longer a plan length, the more likely it would be developers to build new settlements.

KEN.1/SG04 is part of the statutory West Midlands Green Belt which was enacted in Warwickshire in August 1975. The original boundaries did not include all the land around Kenilworth, which allowed for infilling to Glasshouse Lane in the 1980s. The current local plan declassified the Green Belt on the other side of Glasshouse Lane to enable infilling to the A46.

The Green Belt serves five purposes:

- A) To check the unrestricted sprawl of large built-up areas.
- B) To prevent neighbouring towns from merging into one another.
- C) To assist in safeguarding the countryside from encroachment.
- D) To preserve the setting and special character of historic towns.
- E) To assist in urban regeneration by encouraging the recycling of derelict and other urban land.



Statutory Green Belt Currently Surrounding Kenilworth (Source: SWLPⁱⁱⁱ)

The December 2024 NPPF also introduced the new concept of “Grey Belt” land, relating to areas of Green Belt which were previously developed and/or do not strongly contribute to Green Belt Purposes A, B or D. There have been two Green Belt reviews carried out by Arup as part of the SWLP process. A subsequent ‘Exceptional Circumstances Topic Paper’ has been used to justify withdrawing Green Belt protection and reclassifying KEN.1/SG04 and other sites under this new term of ‘Grey Belt’.

The Green Belt Review Stage 1 report was first published in September 2024. It was updated on the 30th of April 2026^{iv}. This served to retrospectively introduce assessments of Grey Belt suitability, after the public consultation had concluded. This has been done because the SWLP documents were drawn up before Grey Belt was introduced with the updated NPPF in 2024. It also became necessary because the NPPF significantly increased homebuilding targets in the two districts.

The second Arup Green Belt Review report, “Stage 2 Green Belt Site Assessments”^v was published in May 2026. Although the supporting evidence did not seem to change in any substantive way, the conclusions presented in the Stage 2 assessments varied slightly from Stage 1, with one of the Purpose C assessments being downgraded from ‘strong’ to ‘moderate’:

Table 10: SG04 Green Belt assessment

Assessment item	Assessment outcome	
	SG04-01	SG04-02
Purpose A: to check the unrestricted sprawl of large built-up areas	No contribution	No contribution
Purpose B: to prevent neighbouring towns merging into one another	No contribution	Weak contribution
Purpose C: to assist in safeguarding the countryside from encroachment	Moderate contribution	Strong contribution
Purpose D: to preserve the setting and special character of historic towns	No contribution	No contribution
Purpose E: to assist in urban regeneration, by encouraging the recycling of derelict and other urban land	Moderate contribution	Moderate contribution
Overall Green Belt Purposes Assessment	Weak contribution	Moderate contribution
Grey Belt assessment	Grey Belt	Grey Belt

Following this assessment, the South Warwickshire Local Plan Green Belt Exceptional Circumstances Topic Paper (pages 31-33), published in May 2026^{vi}, states that KEN.1/SG04 (01/KEN9 is Farm Road to Rouncil Lane, 02/KEN8 is Rouncil Lane to Warwick Road) is Grey Belt:

“SG04-01 makes a weak contribution to Green Belt purposes overall, and SG04-01 makes a moderate contribution. Both sites were found to be Grey Belt.”.

The district-wide exceptional circumstances for Green Belt release were stated as:

“Due to the lack of sustainable reasonable alternatives to deliver residential development, and the potential benefits that could be delivered by the development, it is considered that there are exceptional circumstances to justify green belt release in this location.”

However, following the completion and publication of the post-consultation SWLP in May 2026, the Planning Inspectorate (PINS) have raised significant questions over the viability of the local plan.^{vii} The most relevant with regard to KEN.1/SG04 surround comments concerning the Green Belt:

24. As a consequence of the analysis, the plan identifies land for release from the Green Belt despite there being potential development sites beyond the Green Belt. The Council say that this is because the sites to be released are in sustainable locations well-related to existing urban areas where the need for homes is greatest. The areas beyond the Green Belt that have not been selected are in less sustainable locations or in areas where the need is lower. **The Council's rationale must be very clearly set out in the explanatory text. Currently the explanation is not sufficient. This must include the strategic-level exceptional circumstances – the overarching need for the development and the contribution to a positive spatial strategy. It must also include the local level exceptional circumstances – the contribution of the site to Green Belt purposes, together with landscape, transport and other considerations.**

The **only site-specific argument** made in the Exceptional Circumstances Topic Paper^{viii} is that: “KEN.1/SG04 is considered to be a sustainable and appropriate location for housing-led strategic growth. The sites have good connectivity to Kenilworth, which has a well-served town centre and a train station with links north to Coventry and Nuneaton, and south to Leamington Spa.”

While previous assessments seemed to overblow the significance of Kenilworth Station, the new definitions as set down in the August 2026 NPPF make it clear it should not be classified as a “well-connected station” for the purposes of justifying development.

Despite some minor alterations, the SWLP was signed off by the Joint Cabinet and individual councils on the 14th & 15th of July. While the PINS report had concerns around the lack of headroom in the SWLP, shortening the period the SWLP would run for was not considered to be an option.

This document seeks to evidence that the proposal to release KEN.1/SG04 from Green Belt and its recategorisation as Grey Belt from is unsound and unjustified, and that exceptional circumstances have not been demonstrated. While only Purposes A, B & D are to be considered when re assessing Green Belt as Grey Belt, a critique has been provided on all five purposes, as well as the judgement that exceptional circumstances exist purely on the basis of questionable assessments, and that the sift analysis which saw KEN.1/SG04 ranked as a preferred site comes from a fundamentally flawed Sustainability Appraisal.

The Sustainability Appraisals

The sift analysis (below) conducted as part of the Sustainability Appraisal rated KEN.1/SG04 in the top five most suitable Strategic Growth sites put forward in the SWLP. This analysis is fundamentally flawed, with a mixture of irrational and unsound methodologies, a failure to acknowledge known facts and misinterpretation of clear and evidenced facts, when they are acknowledged.

Table 5.2: Summary SA assessments for the strategic growth locations

SGL no.	Strategic Growth Location	1 Climate Change	2 Flood Risk	3 Biodiversity	4 Landscape	5 Cultural Heritage	6 Pollution	7 Natural Resources	8 Waste	9 Housing	10 Health	11 Accessibility	12 Education	13 Economy
SG01	South of Coventry	--	0	--	--	--	-	--	--	++	-	-	-	+
SG02	Stoneleigh Park Employment	+/-	0	--	-	--	-	--	+/-	0	-	-	0	++
SG03	Coventry Airport	+/-	+	-	+/-	-	-	-	+/-	0	-	-	0	+/-
SG04	South of Kenilworth	--	+	-	-	-	-	--	--	++	-	-	-	+
SG05	East of Lillington	--	+	-	-	-	0	--	--	++	-	-	-	+
SG06	North of Leamington	--	+	--	-	-	-	--	--	++	-	-	-	+
SG07	Wedgnock Park Farm Employment	+/-	+	--	-	-	-	--	+/-	0	-	-	0	++
SG08	West of Warwick	--	-	--	-	-	-	--	--	++	-	--	-	+
SG09	South of Europa Way	--	+	-	-	--	-	--	--	++	-	-	-	+
SG10	Bishops Tachbrook	--	0	-	-	--	-	--	--	++	-	-	-	+
SG11	South East of Whitnash	--	0	--	-	--	-	--	--	++	-	-	-	+
SG12	Southam	--	0	-	--	--	-	--	--	++	-	-	-	+
SG13	Gaydon Lighthorne Heath	--	+	--	--	--	-	--	--	++	-	-	-	+
SG14	East of Gaydon	--	+	--	-	0	-	--	--	++	-	-	-	+
SG15	North of Wellesbourne	--	-	--	--	--	-	--	--	++	-	-	-	+
SG16	South of Wellesbourne	--	+	--	-	-	-	--	--	++	-	-	-	+
SG17	Shipston-on-Stour	--	-	--	--	-	-	--	--	++	-	-	-	+
SG18	West of Stratford-Upon-Avon	--	0	--	--	-	-	--	--	++	-	-	-	+
SG19	East of Stratford-Upon-Avon	--	+	--	-	--	-	--	--	++	-	-	-	+
SG20	Bidford-on-Avon	--	0	--	-	--	-	--	--	++	-	-	-	+
SG21	Alcester	--	-	--	--	--	-	--	--	++	-	-	-	+
SG22	West of Studley	--	+	-	--	-	-	--	--	++	-	-	-	+
SG23	North of Henley-in-Arden	--	+	--	--	--	-	--	--	++	-	-	-	-
SG24	Hockley Heath	--	+	--	-	--	-	--	--	++	-	-	-	+

These ratings from the Sustainability Appraisal were used to rank SGLs and determine the preferred options. The chart shows that the main differentials in achieving these rankings were Biodiversity, Landscape, and Cultural Heritage. The existing evidence base was ignored, when KEN.1/SG04 was assessed not only in these three categories, but also on Pollution, Flood Risk and Economy.

Flood Risk

The conclusion of the Flood Risk Assessment is completely contradictory to the facts presented in the assessment, with the score attributed to KEN.1/SG04 completely misrepresenting the analysis. Firstly, the Strategic Site Screening (Appendix F)^{ix} of the Strategic Flood Risk Assessment document, published as late as May 2026 claims KEN.1/SG04 is not within 5 metres of and does not contain any watercourses, despite the fact that Cattle Brook², makes up the southeastern boundary of the site, and it occasionally comes inside the site due to the hedges which make up the field boundaries moving from one side of the brook to the other.

More significantly, the Strategic Site Screening states that 60.1% of KEN.1/SG04 has groundwater within 0.5m of the surface, putting it at significant risk from surface water flooding. This study states if over 20% of a site has groundwater at this level, it should be considered “Significant Risk”. The stated methodologies of the Regulation 19 Sustainability Appraisal (Section E.3.3 and Table E.3.1) state clearly that a maximum Flood Risk rating of “--” (red) should be awarded when *“More than 50% of the development proposal area coincides with areas at high risk of surface water flooding.”*. Despite this, KEN.1/SG04 was awarded a rating of “+” (pale green) in the sift analysis.

Table E.3.1: SA Objective 2 – Flood risk assessment methodology

SA2 Receptor	++	+	0	+/-	-	--
Fluvial flooding	Development proposals that deliver strategic flood risk reduction or restore functional floodplain.	Development proposals which are located wholly within Flood Zone 1, or which have less than 1% Flood Zones 2 or 3.	Less than 10% of the development proposal area coincides with Flood Zones 2 or 3.	The impact of development on fluvial flood risk is uncertain.	Less than 50% and more than 10% of the development proposal area coincides with Flood Zones 2 or 3.	More than 50% of the development proposal area coincides with Flood Zones 2 and/or 3.
Surface water flood risk	N/A	Development proposals which are not located in areas determined to be at risk of surface water flooding or which have less than 1% flood risk.	Less than 10% of the development proposal area coincides with areas at high risk of surface water flooding.	The impact of development on SWFR is uncertain.	Less than 50% and more than 10% of the development proposal area coincides with any areas at risk of surface water flooding.	More than 50% of the development proposal area coincides with areas at high risk of surface water flooding.

Sustainability Appraisal Table E.3.1. The Strategic Site Screening states 60.1% of KEN.1/SG04 has a high risk of surface water flooding, but the site was scored as “+” in the SA sift analysis.

² Two watercourses meet at the southeastern tip of KEN.1/SG04. To the south, Holbrook flows from Leek Wootton and a small lake called The Lunches into Cattle Brook. Some maps incorrectly label Holbrook as Cattle Brook, as historically this was known as the Cattle Brook catchment area. The watercourse making up much of the southeastern border of KEN.1/SG04 is Cattle Brook (also referred to in some historical maps as Cuttlebrook), with the brook retaining the Cattle Brook name after the confluence.

Pollution & Biodiversity

There is a long and documented history and continuing current problems with pollution at the southern site boundary of KEN.1/SG04. Cattle Brook regularly experiences sewage outflows from the Warwick Road sewer storm overflow. With all other things being equal, this would be expected to be exasperated by any increase in drainage efficiency, which would be an expected impact of any development on KEN.1/SG04. This is before any consideration of where the sewage itself would go, from what at this point here would be a development site built on the downhill slope away from Kenilworth.

169 Warwick Road Cso (Severn Trent Water)

Zoom to

Pan

Unique ID: SVT00003

Permit number: S/13/26837/O

In 2025, this sewer storm overflow spilled 23 times for a total of 55.16 hours, discharging into the Cattle Brook.

Left: A screenshot from the Rivers Trust Sewage Map found at theriverstrust.org/sewage-map. In 2025 the sewer storm overflow located where Cattle Brook crosses the Warwick Road spilled 23 times. KEN.1/SG04 is exclusively located upstream of this site. No consideration of how development of KEN.1/SG04 would impact this ongoing pollution was made in the SA.

Right: This sign was erected in 2007 adjacent to KEN.1/SG04 on the other (eastern) side of Warwick Road as regular sewage outflows from Cattle Brook flooded out onto fields. While that issue was addressed, there are still regular outflows at this point.



Small discharge periods may not be visible on smaller screens or with a larger history shown, offline periods are not shown.

Total Discharge Events		Total Discharge Time (Minutes)	
2		64	

Discharge List			
#	Start Time	End Time	Duration (minutes)
1	27/08/2026, 20:01:36	27/08/2026, 20:41:12	39.6
2	28/08/2026, 16:30:06	28/08/2026, 16:54:42	24.6

Above: There are various different sites which monitor sewage outflows, with none of them retaining comprehensive data. This the latest available data (for the previous fortnight at time of writing) from floodmapper.co.uk, showing two discharge events into Cattle Brook at the end of August 2026.

This known ongoing problem of sewage outflows into Cattle Brook was not considered *at all* in the Sustainability Appraisal. The criteria for pollution ratings are a perfect example of how the SA is completely unfit for purpose and that the evidence base is completely unsound and simply not robust.

Under the assessment criteria used, it is impossible for *any site* in the Sustainability Appraisal to get a red/double minus (high) rating for pollution, with the assessment methodologies meaning that at the very worst, sites would get a pink/single minus rating for being 200m from: Air Quality Management Areas; main roads; railways lines; or watercourses. Impacting on a Groundwater Source Protection Zone is a fifth measurement. This was *the entirety of the criteria* on which pollution impacts were assessed.

As will be demonstrated later in the paper, like with the Purpose D assessments in the Green Belt Reviews, proximity to random features was the sole criteria to have been considered in reaching an assessment.

The potential to contribute to sewage outflows due to proximity to a sewer storm overflow, as well as many other ways of a development causing or contributing to pollution, was simply not considered to be worth assessing in the SWLP Sustainability Appraisal, despite sewage outflows into Cattle Brook being a well-known and clearly evidenced pollution issue which has been going on for decades. This again demonstrates the Sustainability Appraisal is unsound and lacks a credible evidence base.

It is also the case that Cattle Brook is a designated Local Wildlife Site. Given the potential to exasperate the existing sewage problem, this should have been considered in the Biodiversity assessment. While KEN.1/SG04 received a “-“ Biodiversity score in the SA sift analysis, this was the best possible score for presumption of development, as all sites either received a “-“ or “--“ rating.

Landscape

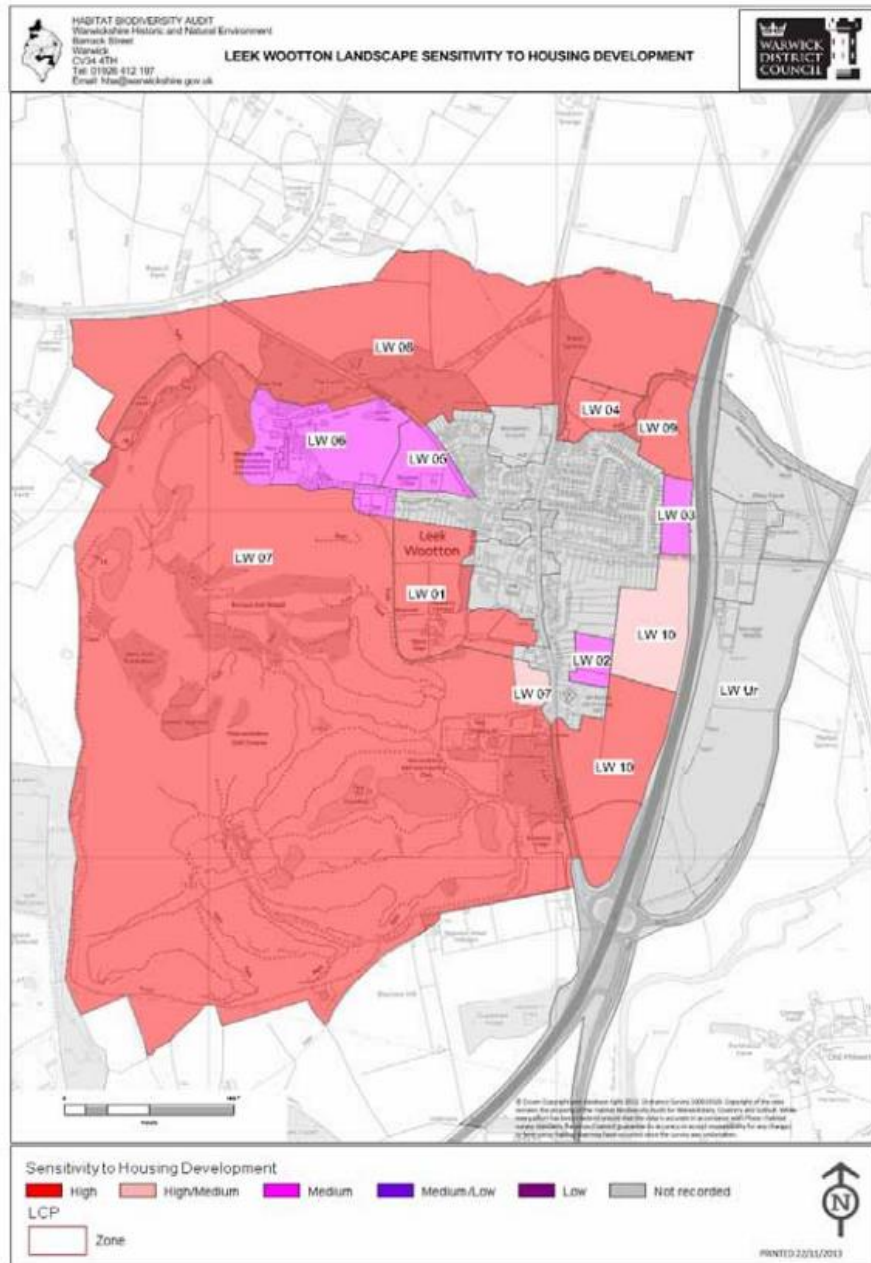
The Landscape rating originally given to KEN.1/SG04 in the Regulation 18 SA demonstrates the significant inconsistencies of the SWLP, with a supposedly factual analysis having been put forward with a non-existent evidence base. The Landscape score given to KEN.1/SG04 was based on the fact that no appraisal of the site had ever taken place. The Regulation 18 Sustainability Appraisal stated: *“Landscape sensitivity has been assessed using the Landscape Sensitivity Assessment of Local Service Villages, Landscape Sensitivity Assessment of Main Settlements including Areas of Restraint Assessment, Landscape Sensitivity, Ecological and Geological Study.”*

While the first two documents relate to Stratford District, the Landscape Sensitivity, Ecological and Geological Study^x was a study carried out by Warwickshire County Council and the University of York in November 2013, as part of the work to identify areas where housing could be built around villages in Warwick District for the Local Plan of the time.

This study did not consider the landscape around towns at all, it was purely concerned with the landscape around villages. Assumingly without realising it, the authors of the Regulation 18 Sustainability Appraisal very clearly stated that landscape score they attributed to KEN.1/SG04 was not related to the attributes of the landscape of that site, because the reference document they had used did not contain any relevant data pertaining to the site. It is unclear how the Reg 18 SA authors came to attribute any score to KEN.1/SG04, given their stated data-free methodology.

This clear failure to use a robust evidence base, indeed any form of evidence, was of course pointed out by many members of the public during the Regulation 18 consultation period. However, instead correcting this oversight and conducting a genuine landscape study concerning KEN.1/SG04, the response has simply been to remove all references to the *“Landscape Sensitivity, Ecological and Geological Study”* from the Regulation 19 Sustainability Appraisal.

This becomes even more unsound when it is considered that the survey of villages included Leek Wootton. That survey included the land all the way up to Cattle Brook, which is the southeastern boundary KEN.1/SG04. The study considered that site to have a high landscape sensitivity rating.



Map of Leek Wootton from the 2013 Landscape Sensitivity, Ecological and Geological Study.

The Centre of the Northern boundary is Cattle Brook, with KEN.1/SG04 being on the other side of the valley. If one side of the valley was rated as having high sensitivity to housing development, it is likely the other side would have done as well, if any assessment had ever been carried out.

The Regulation 19 SA refers to the South Warwickshire Landscape Sensitivity Assessment^{xi} (SWLSA) prepared by LUC in April 2026, mainly seeks to downplay the impact of the setting of Kenilworth Castle, stating “*The skyline is largely undeveloped, with no notable landmark features.*”. Issues concerning **Cultural Heritage** will be covered in the **Purpose D section** of this report.

Economy

The Economy assessment for KEN.1/SG04 which gives the site a “+” rating, is a cut and paste assessment solely concerned with the economic activity surrounding construction:

“Positive effects are identified through construction activity, housing delivery and associated economic growth.”

No assessment has been made concerning the potential negative economic impacts of developing this site would have both during and post-construction on visitor numbers at Kenilworth Castle, which currently attracts circa 120,000 visitors per year and supports hundreds of jobs in Kenilworth.

While KEN.1/SG04 would unquestionably be visible from Kenilworth Castle, it is also likely the site, especially during construction would also be audible from Kenilworth Castle. Due to the topography which sees Kenilworth Castle and KEN.1/SG04 on opposite sides of the Finham Valley, large events at Kenilworth Castle, such as the Knights Tournaments as well as other events at Abbey Fields can be heard from KEN.1/SG04, so it is likely any large-scale construction noise would transmit the other way.

There has been significant investment from English Heritage to develop and promote Kenilworth Castle in recent years. Between 2004 and 2009, English Heritage invested £4.8 million in Kenilworth Castle, re-creating the Elizabethan Gardens, and adding new visitor facilities and a venue for education, community use and events. Visitor numbers increased by over a third and income grew by 177% the year after that project was completed.

In addition to the jobs created at the Castle, local businesses grew to cater for the additional visitors who go on to patronise shops, restaurants and pubs. In 2010 English Heritage estimated that their investment in Kenilworth Castle had generated and additional £350,000 (GVA) locally and £470,000 regionally per year.

In 2014 English Heritage spent a further £1.1m constructing a staircase and an 18 metre high viewing platform in Leicester’s Building, a building which was commissioned

Robert Dudley the Earl of Leicester in the 1570s, for the exclusive use of Queen Elizabeth I on her visits to Kenilworth Castle. In the press release accompanying the official opening of this structure English Heritage^{xii} said:

“The greatest revelations though are the views from the same vast windows from which Queen Elizabeth I looked over the wooded park and mere surrounding the castle and contemplated the hunts and entertainments that Dudley would provide for her pleasure while at Kenilworth. Even without an army of courtiers or a programme of elaborate pageants, today's visitors can still easily appreciate the magnificence of the scene that once greeted the visiting queen.”

Any buildings constructed on the northern part of KEN.1/SG04 would become a permanent part of that view, and potentially set a precedent for future developments.



The site of KEN.1/SG04 is clearly visible from the viewing platform constructed by English Heritage in 2014 to open up Leicester's Building at Kenilworth Castle and encourage more visitors.

SWLP but assessments claim the site has 'no contribution' to Purpose D and there has been no acknowledgement that impacting on the setting of Kenilworth Castle could have any impact the local economy. Image source: English Heritage Press Release.

Exceptional Circumstances

The SWLP Exceptional Circumstances Topic Paper (ECTP) claims exceptional circumstances have been proven because KEN.1/SG04 is sustainable and justifiably can be redesignated as Grey Belt, as housing targets cannot be met without Green Belt developments. Neither of these conclusions have been reached via a robust evidence base. It is simply not true to say that housing targets cannot be met without Green Belt development. The ECTP which determines KEN.1/SG04 to be Grey Belt, does so using the scores from the Arup Green Belt Review Stage 2, which amongst other things did not consider any impact on the setting of Kenilworth Castle, instead using proximity to the Kenilworth Conservation Area as a single point of evidence to assess Purpose D.

Stage 2 of that review was prepared with no consideration of consultation responses at Regulation 18 stage, with nine of the ten assessments being word-for word identical. The only change being Purpose C, in which SG04-01 was downgraded from a strong to a moderate contribution. The ECTP which concluded KEN.1/SG04 could be Grey Belt categorised: Purpose A as 'no contribution'; Purpose B as 'weak/no contribution'; and Purpose D as 'no contribution', with all of these conclusions being highly questionable.

Local authorities have to fully evidence exceptional circumstances to justify removal of Green Belt protection, and in this case redesignate it as Grey Belt. In the case of the SWLP, the entire argument made is one of sustainability, justifying developments with Paragraph 11 of the December 2024 NPPF and the presumption to approve sustainable developments. Following the completion of Regulation 18 and publication of the post-consultation SWLP in May 2026, the Planning Inspectorate (PINS) raised significant questions over the viability of the local plan.^{xiii} The most relevant section of that report to KEN.1/SG04 surrounded comments concerning exceptional circumstances set out for removing Green Belt protection:

*24. As a consequence of the analysis, the plan identifies land for release from the Green Belt despite there being potential development sites beyond the Green Belt. The Council say that this is because the sites to be released are in sustainable locations well-related to existing urban areas where the need for homes is greatest. The areas beyond the Green Belt that have not been selected are in less sustainable locations or in areas where the need is lower. **The Council's rationale must be very clearly set out in the explanatory text. Currently the explanation is not sufficient. This must include the strategic-***

level exceptional circumstances – the overarching need for the development and the contribution to a positive spatial strategy. It must also include the local level exceptional circumstances – the contribution of the site to Green Belt purposes, together with landscape, transport and other considerations.

In its simplest form, the position being advanced in the SWLP is that developments attached to existing towns are by definition ‘sustainable’, as those towns already have existing public services and transport links. Conversely, the twin argument is that developments without proximity to existing public services and transport links are therefore unsustainable.

However, the lived experience in recent years is that instead of existing towns making new developments sustainable, too many new developments are making the existing towns more unsustainable. In 2024 there were six new housing estates under construction around Kenilworth on land which had been removed from the Green Belt protection, justified by such claims of this being sustainable. But not a single primary school place, transport improvement, or doctors or dentist’s capacity has been created due to this population increase, with bus services actually having been cut, rail services remaining unreliable and roads being more clogged. This is by definition, unsustainable.

The ***only site-specific argument*** made in the Exceptional Circumstances Topic Paper^{xiv} is that: “*KEN.1/SG04 is considered to be a sustainable and appropriate location for housing-led strategic growth. The sites have good connectivity to Kenilworth, which has a well-served town centre and a train station with links north to Coventry and Nuneaton, and south to Leamington Spa.*”

Kenilworth Station, and railway stations in general have been given heavy weighting in deciding which sites should be considered sustainable in the SWLP, and it must be noted that the lack of a railway station was the ***only*** measure of sustainability used to discount three of the eight sites in the ‘Other Reasonable Options’ section of the ECTP. It would seem that the significance given to railway stations in the ECTP has been predicated by the new rules concerning the presumption in favour of sustainable development, which were specified in the August 2026 NPPF, specifically S5:h.i., which relates to settlements with “well-connected stations”. However, with Kenilworth being at best served by one two-carriage train per hour in each direction, it cannot be considered to be a “well-connected station” under the definition set down in Annex B of the August 2026 NPPF:

*“Railway stations and underground, tram and light rail stops located within a top 80 Travel to Work Area located partially or fully within England by Gross Value Added (GVA)⁷² and which, in the normal weekday timetable, are served (or have a reasonable prospect of being served due to planned upgrades or through agreement with the rail operator) **throughout the daytime by at least four trains or trams per hour overall, or at least two trains or trams per hour in any one direction.**”*

Further to this, whilst Kenilworth only has one train per hour in each direction and is therefore by definition not a “well-connected station”, this is very much the best-case scenario, as it suffers more cancellations than any other West Midlands Trains railway station^{xv}. However, in the Spatial Growth Strategy, Kenilworth Station was the only railway station given a Group A categorisation on the basis of purely theoretical services. The document made this fundamentally untrue and unevidenced assertion:

“Kenilworth is also included as a Group A station on the basis that long distance trains which currently pass through Kenilworth could stop here with no further infrastructure being required”.

This statement, suggesting the Manchester-Bournemouth Cross-County service which pre-dates the reopening of Kenilworth Station could stop here is factually incorrect. It also suggests this 191-mile service, which includes both Coventry and Leamington in its 20 stops, would in future make 3 stops in 9 miles to include Kenilworth. It is highly unlikely that there would be any business rationale in this, and if it were that simple, there have been eight years in which such an addition could have been made. But the reality is that almost all of the line between Coventry and Leamington is single-tracked, as is Kenilworth Station itself. In all, only about 2.5 miles of the 9-mile length of this track is double-tracked. This constraint is the single biggest reason responsible the fact Kenilworth Station has limited services.

Aside from this unevidenced statement to the contrary in the Spatial Growth Strategy, it is pretty much universally accepted that no additional services, whether the existing long-distance trains which currently pass through, or new local passenger services could stop in Kenilworth without further infrastructure or the reduction of freight paths on the line. There is not room in the timetable to allow more trains to stop. These issues and the potential for doubling of the track through Kenilworth were thoroughly explored as part of the plans for the proposed ‘Electric Spine’ project which was cancelled several years ago. Double-tracking at a cost of £100m was also proposed as part of the ‘Midlands Connect’ scheme, but other projects have been prioritised.

Stripping of Green Belt Protection and Reassignment as Grey Belt

Purpose A) To check the unrestricted sprawl of large built-up area.

The key issue concerning this criterion is whether or not Kenilworth is considered to be a 'large built-up area'. While the Office of National Statistics defines a 'large built-up area' as having a population of 75,000 or more, this definition does not automatically transfer to Planning Practice Guidance (PPG) or the NPPF. Significantly, the 2015 Coventry and Warwickshire Green Belt Review^{xvi} (CWGBR) stated:

“Baginton and Burton Green are both connected to Coventry by existing development. Kenilworth is suggested for inclusion based on proximity, and its road, rail and bus links to Coventry.” and that:

“Parcels of Green Belt land that contribute to the gaps between the large built-up areas such as Coventry, Rugby, Nuneaton, Bedworth, Warwick/Royal Leamington Spa and Kenilworth and/or the satellite settlements that surround them, generally perform well against the Green Belt purpose”

As such, the 2015 CWGBR, a review conducted as part of the 2011-2029 Warwick Local Plan (adopted in 2017), defined Kenilworth should as part of a large built-up area. As a result of that, the assessment of most of what is now defined as KEN.1/SG04 (KE4) in terms of Purpose A was 3 out of 4 (scale of 0-4). This is contrasted with the assessment in the SWLP reports, which rates Purpose A as 'no contribution' for all of KEN.1/SG04.

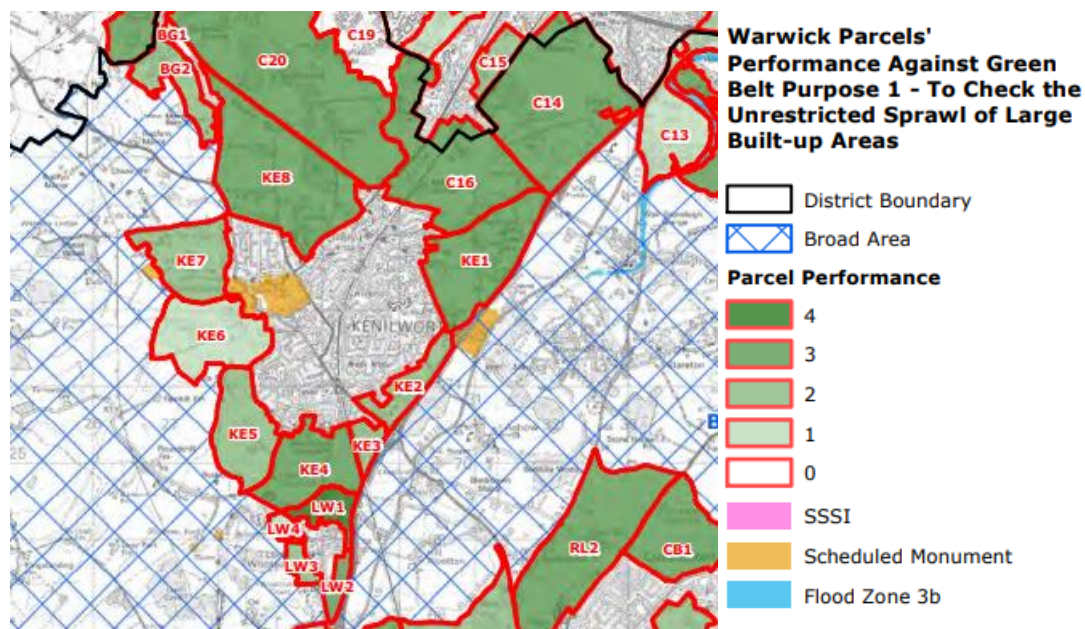


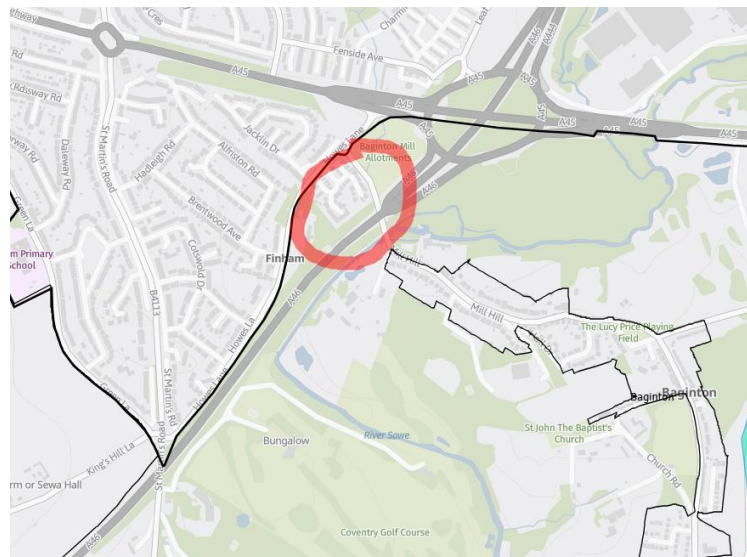
Image from the 2015 Coventry and Warwickshire Green Belt Review showing Purpose A scores. What is now defined as KEN.1/SG04 was designated as parts of KE4 and KE5 in this analysis.

(Source: CWGBR Appendix 2)

The Arup 2024 Green Belt Review Stage 1 completely reversed the findings of the 2015 CWGBR and stated that Kenilworth is not directly connected to Coventry and as a result is not part of a 'large built-up area'.

However, it is evident that settlements have been incorrectly reassessed in this respect. As such it may be incumbent on the Planning Inspector to make a judgement on whether Kenilworth is part of a large built-up area. As part of the justification to dismiss the 2015 CWGBR, the 2024 SWLP Stage 1 Report claims that: *"... exploring this in more detail, the settlements of Baginton, Kenilworth, ... are not directly connected to Coventry ... and as such are not contiguous parts of these large built-up areas"*

In the case of Baginton, part of the settlement extends beyond the River Sowe and A46, which the SWLP has classified as not within the boundaries of the settlement.

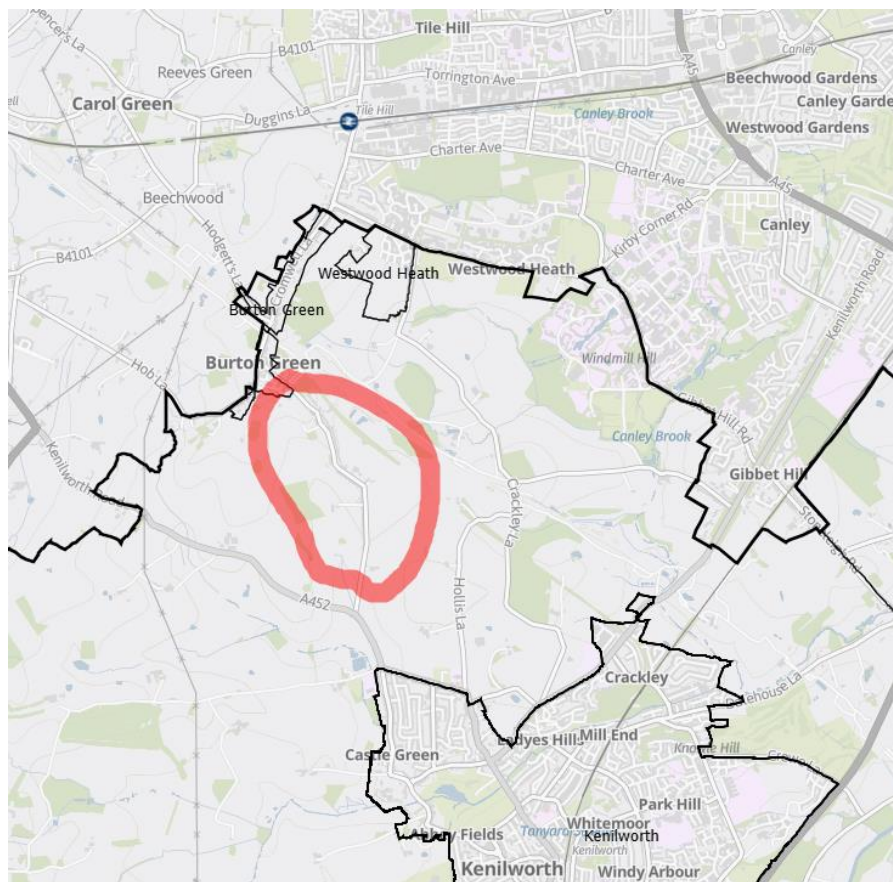


Streets bordering Coventry to the West of the River Sowe and A46 (circled) are part of Baginton, but have been excluded from the official settlement area of Baginton to the East. (Source: SWLP)

In the case of Burton Green (which the SWLP accepts is contiguous with Coventry) and Kenilworth, Red Lane, a long-standing ribbon development connecting Kenilworth and Burton Green/Coventry, has not been included within the boundaries of the settlement of Burton Green, or the Kenilworth urban area. When the Red Lane ribbon development was constructed, it was considered to be part of Kenilworth, until it moved into the Stoneleigh Parish in 2007. In 2011 the Parish of Burton Green created founded with Red Lane falling completely within that Parish. A critique of the CWGBR stated that:

“Insofar as it goes, the C&W method for determining whether a land parcel plays a role in containing sprawl is considered sound. Ribbon development is given prominence, because this kind of unplanned expansion along existing roads is widely recognised to be a common pattern seen when urban areas experience sprawl. A shortcoming of the methodology, however, is that “large built-up area” has not been defined, and thus a land parcel’s proximity to a large built-up area does not factor into the scoring criteria. The criteria have been applied to settlements of any size, many of which could not be considered large. The consequences of this are that land parcels on the edge of small villages have the potential to score as highly as parcels on the edge of Coventry.”

So, this critique of the CWGBR gives prominence to ribbon developments as they are *“widely recognised to be a common pattern seen when urban areas experience sprawl”*, before stating the problem is villages could *“score as highly as parcels on the edge of Coventry.”* This is an admission that the SWLP failure to include Red Lane as part of any settlement is in error, as it is a ribbon development on the edge of Coventry.



The highlighted area is Red Lane, which was part of Kenilworth until the parish of Burton Green was founded in 2011. This ribbon development has been excluded from the boundaries of settlement of Burton Green and urban area of Coventry in the SWLP assessment. (Source: SWLP)

Whilst the houses peter out at the southern end of Red Lane and there is a short section where there are no houses on either side, and homes are sporadically located on the Western side of the Birmingham Road coming out Kenilworth, pavements and street lighting are continuous throughout.

If it were to be ruled that Kenilworth is connected to Coventry via Red Lane, which given that Red Lane was part of Kenilworth until 2007 may be difficult to dismiss, this would indicate that Kenilworth is part of a 'large built-up area', which would impact the Purpose A assessments of all Green Belt parcels surrounding Kenilworth.

It is also the case that the Emerging Spatial Growth Strategy published in November 2024^{xvii}, defines the main urban areas in the SWLP as "*Stratford-upon-Avon, Leamington Spa, Warwick, Whitnash, Kenilworth, and land adjacent to Redditch and Coventry*" and that the main towns are "*Stratford-upon-Avon, Leamington Spa, Warwick, Whitnash and Kenilworth*". Given that Leamington Spa, Warwick and Whitnash are one single conurbation it seems that the authors got as close to saying Kenilworth is one of the three large built-up areas covered in the SWLP, without actually using that exact term.

The suggestion Kenilworth is not part of a 'large built-up area', is further undermined by policy DS.8 of the SWLP, which defines the "*Main Urban Areas*" covered in the SWLP as: Kenilworth; Royal Leamington Spa and Whitnash; Stratford-upon-Avon; and Warwick. For the reasons of Purpose A, all of these have been considered as part of a 'large built-up area' in the SWLP, apart from Kenilworth.

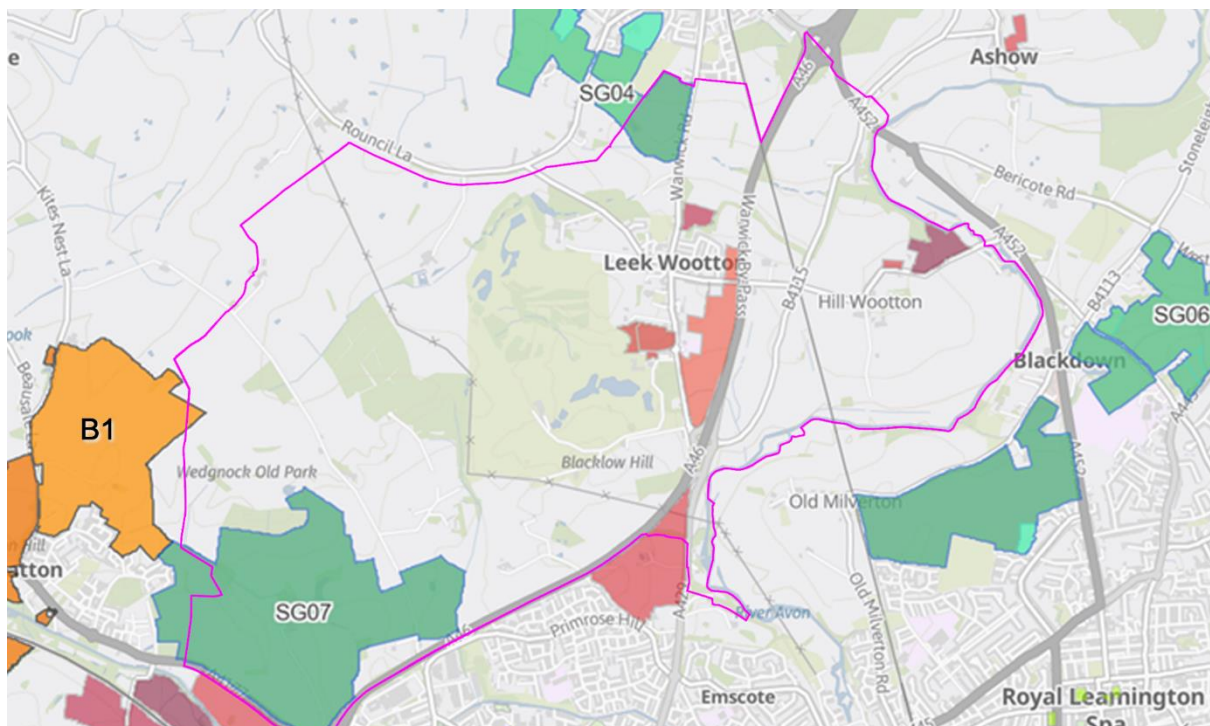
Additionally, precedent exists which has already made this determination. During a planning appeal concerning a solar farm near Honiley, the Planning Inspectorate judged Kenilworth to be one of three "large built-up areas" surrounding the site. (Appeal Reference 3332671, Paragraph 100).

Purpose B) To prevent neighbouring towns from merging into one another.

In 2015 the methodology used by the CWGBR for the WDLP gave a Purpose B maximum score of 4 to any site where current settlements were less than 1km apart. At the time, Leek Wootton and Kenilworth were 1.1km apart so KE4 (which was mostly made up of SG04-02/KEN8) was accordingly scored 2.

In 2019 permission was given for the 129 home Pavilions Estate to be built on land to the south of Kenilworth Cricket Club. This estate is now complete, meaning the gap between Kenilworth and Leek Wootton is now 900 metres, so KEN.1/SG04 would now score a maximum score for Purpose B contribution, if the CWGBR methodology was applied today. It is arguable the gap is less than 900m as the development on the east of Warwick Road is opposite a manor house with associated converted former farm buildings on the west of the road, and these extend further south toward Leek Wootton.

The urban area of Kenilworth extends to the parish boundary of Leek Wootton, with a sizeable chunk of KEN.1/SG04 located within the Leek Wootton and Guy's Cliffe parish boundary. Development to the southeast boundary of KEN.1/SG04 at Cattle Brook, this would reduce the gap between Kenilworth to Leek Wootton to less than 500m.



Part of KEN.1/SG04 sits inside the Leek Wootton & Guy's Cliffe Parish, with the pink line representing that parish boundary. (Source: Leek Wootton & Guy's Cliffe Parish Council).

However, Leek Wootton is a village with a population of approximately 1,100, Purpose B concerns ‘towns’ merging and the CWGBR did not define the term ‘town’. In September 2023 a critique^{xviii} of this methodology was conducted as part of the SWLP, which suggested the approach should be:

“To define which settlements will be considered “towns”. In this context, it is likely that the list of “towns” should include some settlements that would normally be considered as villages. To additionally define “stepping stone” settlements between larger towns or villages.”

The SWLP Stage 1 report continued in principle, that if a village separates two towns, if one of those towns subsumes the village, then those two towns have got closer:

“In the gap between Kenilworth and Leamington Spa/Warwick, there are a large number of parcels. By virtue of the distance between these towns the parcels individually make a weak contribution to Purpose B, and the release of a small number of them from the Green Belt would not have significant strategic impacts. However, if a large number of these parcels were to be released there would be a greater risk of merging.”

*“This is particularly the case around the village of Leek Wootton, **which sits in the narrowest part of the gap**. Whilst not defined as a town for assessment against Purpose B, the cumulative release of KEN7, KEN8 (SG04-02), LWT4 and LWT5 from the Green Belt would result in Leek Wootton effectively merging into the town of Kenilworth – at which point the merged Kenilworth/Leek Wootton would be located a relatively short distance from Leamington Spa and Warwick. Any release of land in this location should therefore carefully consider any cumulative potential for the merging of towns. The remaining gaps between the defined neighbouring towns are all large enough that the combined effects of multiple parcels being developed is unlikely to have a strategic impact upon these gaps.”*

That final sentence seems to suggest the gap between Kenilworth and Leek Wootton is the **only place** in the whole SWLP where releasing land from the Green Belt would have high contribution regarding Purpose B, yet (KEN8/SG04-02) is assessed in that report as:

“Weak contribution: The parcel is located in a gap between the defined neighbouring towns of Kenilworth and Warwick. The parcel forms part of a less essential gap between neighbouring towns which is of a sufficient scale that development is possible without any risk of merging. The gap between Kenilworth and Warwick includes the settlement of Leek Wootton, however this does not influence the assessment of Purpose B as this

is not a defined neighbouring town. Overall, the parcel makes a weak contribution to preventing neighbouring towns from merging.”

For KEN9/SG04-01, the Stage 1 assessment completely ignores the fact the parcel is just over 1km from Leek Wootton. In fact, it seems to have been concluded that because this parcel is on the Western side of Kenilworth, it should only be concerned with settlements directly to the West, and ignores not only Leek Wootton, but Warwick. This fundamental error is carried over into Stage 2.

The Stage 1 assessment states:

“No contribution: Whilst the parcel is located between Kenilworth and Dorridge/Solihull, the distance (over 10km) between these settlements is sufficient that the parcel does not play a role in preventing neighbouring settlements from merging.”

Location	Approximate distance in metres to Leek Wootton	Physical barriers as the crow flies
Kenilworth	900	None
Warwick (Woodloes Estate)	1500	A46 Warwick Bypass
Leamington Spa	1800	A46 Kenilworth Bypass, Railway Line, River Avon

Table showing as the crow flies current distances from Leek Wootton, with physical barriers.

All distances measured using the SWLP interactive map.

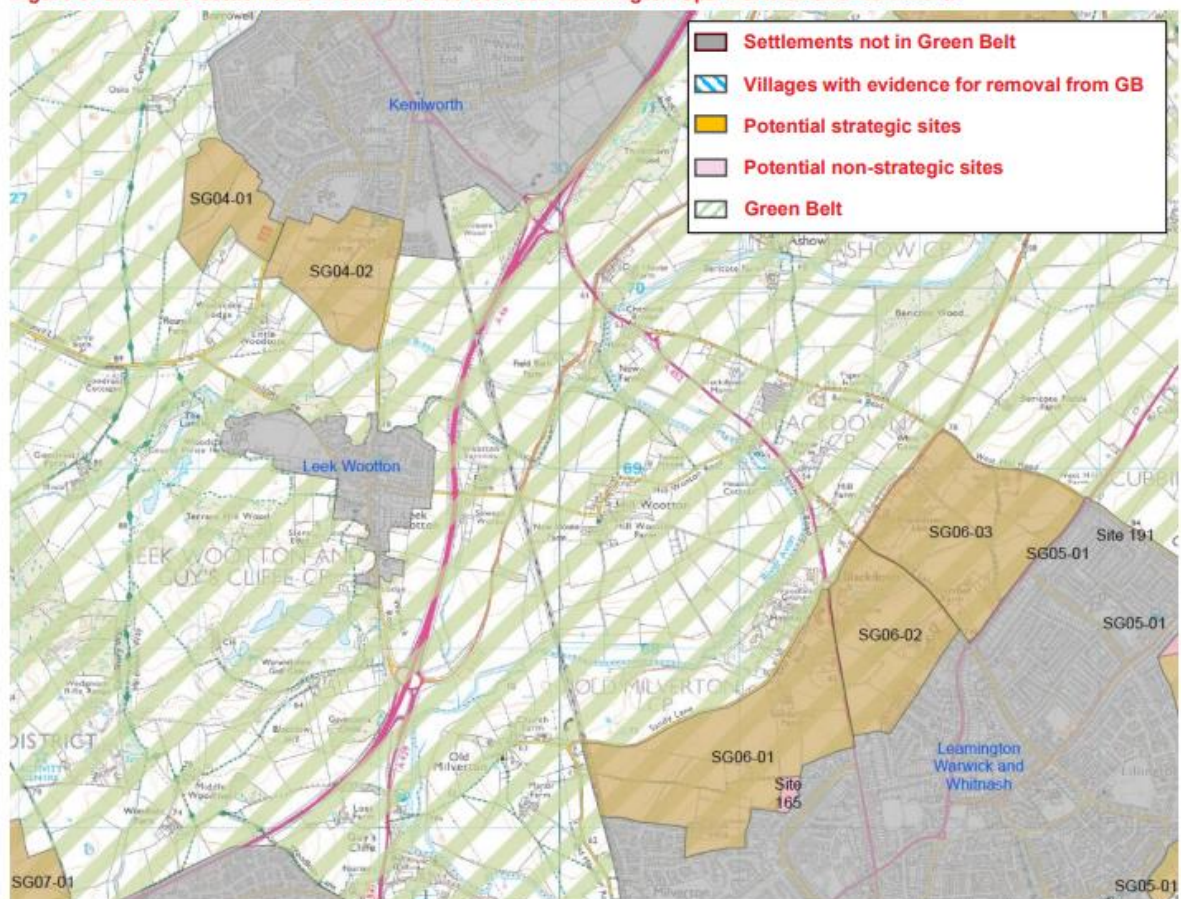
Following the decision to choose KEN.1/SG04 as a preferred site, the position concerning the importance of Leek Wootton was massively downgraded for the Green Belt Stage 2 report. That report directly contradicts almost all of the points previously mentioned from the Stage 1 assessment:

*“The gap between Leamington Spa/Warwick and Kenilworth is considered to be ‘less essential’, given that Leek Wootton is a village and hence it is not within the scope of Purpose B. All of the sites within this gap would sit alongside one another adjacent to the edge of the existing towns, and would therefore not result in any cumulative additional narrowing of the gap between towns compared to a scenario where any individual site was released from the Green Belt in isolation. It is also noted that **SG04-01 and SG04-02 do not sit within the narrowest part of the gap** between the towns.”*

No rationale is offered to explain these fundamental shifts where we have gone from needing to carefully consider any cumulative potential for the merging of towns, to this gap being 'less essential' and Leek Wootton is not within the scope of Purpose B is given following the selection of preferred locations.

This new assessment that KEN.1/SG04 do not sit in the narrowest part of the gap is disingenuous. Following the railway line the shortest distance to the Leamington from Kenilworth is 3.2km, whilst the shortest distance to Warwick is 3.4km. However, 1km of the gap between Kenilworth and Warwick is taken up by Leek Wootton, so the net gap is 1.4km, which was the point the Stage 1 Review was trying to make. To say this is not the narrowest gap is trying to disingenuously claim that Leek Wootton does not count as a developed area of any kind.

Figure 5: Sites and settlements within the area between Leamington Spa/Warwick and Kenilworth



Above: Map from the Green Belt Stage 2 Review. It appears above text stating KEN.1/SG04 does not sit in the narrowest part of the gap between Kenilworth and Leamington, Warwick & Whitnash. While the edge of Kenilworth is 200m closer to Leamington than it is to Warwick when measured along the railway line, the only way to reach the conclusion that this is the narrowest part of the gap is to pretend that the 1km taken up by Leek Wootton itself counts as an undeveloped area.

In line with the warnings of the Stage 1 Green Belt Review, the cumulative effect of releasing KEN.1/SG04 and SG06, which would reach Old Milverton will reduce the gap between Kenilworth and the Leamington side of the conurbation from 3.2km to 2.3km. Leek Wootton would then be in the narrowest part of the gap between Kenilworth and both the Leamington and Warwick parts of the conurbation.

KEN.1/SG04 cannot be defined as Grey Belt under the NPPF definition because it does not meet the necessary criterion of making a 'limited contribution' to Green Belt purposes. Specifically, KEN.1/SG04 performs a critical, high-performing strategic function under Green Belt Purpose B by maintaining the essential open gap that prevents the coalescence of Kenilworth and Leek Wootton and a wider merging with the larger conurbation.

Purpose C) To assist in safeguarding the countryside from encroachment.

The 2015 CWGBR gave the two parcels which contain the entirety of KEN.1/SG04 (KE4 & KE5 in that study) the maximum possible score in their Purpose C assessment.

Following that, both sections of KEN.1/SG04, assessed as KEN8 (SG04-02) and KEN9 (SG04-01) were then given “Strong Contribution” ratings for Purpose C in the Green Belt Stage 1 Review of the SWLP. However, by the time of the Green Belt Stage 2 Review, this had been reduced to “Moderate Contribution” for KEN9 (SG04-01).

Whilst Purpose C is not relevant with respect in the decision to reclassify KEN.1/SG04 as Grey Belt, KEN.1/SG04 was stated as a preferred location when the SWLP went to consultation. The result of that consultation is that the assessment for that preferred location was downgraded. This should be considered, as this seems to demonstrate an agenda to generally downgrade the Green Belt assessment of the preferred options.

This appears evident when comparing the Stage 1 and Stage 2 Purpose C assessments made for the SWLP, as none of the facts supporting these assessments have changed, but the conclusions have. It would appear obvious that the attitude to KEN.1/SG04 had changed, as in the Stage 1 Green Belt Assessment it is referred to as “*the parcel*” (as in land), but in the Stage 2 Green Belt Assessment, it is referred to as “*the site*” (as in construction).

Whilst some of the text in these assessments’ changes, this mostly concerns the ordering. The substantive facts do not alter at all, but the overall conclusion does, without any changes in the facts which led to these conclusions. When the two assessments are compared side by side, the fact they come to differing conclusions seems highly questionable.

Green Belt Stage 1 Assessment for KEN9 (SG04-01):

“Strong contribution: The existing land use consists of predominantly open countryside and agricultural land. There are small areas of housing developments in the centre and south of the parcel, including Hunt Paddocks and some ribbon development along Rouncil Lane. The parcel has less than 10% built form. There are moderate open long line views, which are partially restricted by vegetation and property boundaries. The parcel therefore has a strong-moderate degree of openness. The parcel is connected to Kenilworth along its north eastern boundary. This consists of a mix of relatively regular

and irregularly-oriented residential back gardens, which are therefore a mix of defensible and less defensible boundaries which may not be able to prevent encroachment. The parcel is connected to the countryside along its southeastern, western and northern boundaries, consisting of Rouncil Lane, field boundaries and hedgerows to the west and a small area of woodland to the north. This is a mix of defensible and less defensible boundaries which may not be able to contain potential development and prevent future encroachment. The parcel is well connected to the countryside along three boundaries. Overall, the parcel makes a strong contribution to safeguarding the countryside from encroachment.”

Green Belt Stage 2 Assessment for KEN9 (SGO4-01):

“Moderate contribution: The existing land use consists predominantly of open countryside and agricultural land, in addition to some residential properties on the western side of Warwick Road. The site has less than 10% built form. There are moderate open long line views from Rouncil Lane, which are partly restricted by vegetation and property boundaries. The site therefore has a strong-moderate degree of openness. The site is connected to Kenilworth along its northeastern boundary. This is a series of predominantly less defensible and some undefined boundaries, passing through the middle of residential gardens on Lindsey Crescent and Sovereign Close, and a hedgerow south of the former Kenilworth School Sixth Form. These boundaries would not be able to prevent encroachment. The site is connected to the countryside along its western, southern, and eastern boundaries, consisting of hedgerows along field boundaries to the west and part of the southern boundary, existing residential development on Hunt Paddocks for the remainder of the southern boundary, and Rouncil Lane to the east. This is a mix of defensible and less defensible boundaries which may not be able to contain potential development and prevent future encroachment. The site is well connected to the countryside along three boundaries, although the degree of connection into wider open countryside to the south is limited by the existing development within the Green Belt on Hunt Paddocks. Overall, the site makes a moderate contribution to safeguarding the countryside from encroachment.”

Purpose D) To preserve the setting and special character of historic towns.

Kenilworth Castle has existed since the 1120's, attracts circa 120,000^{xix} visitors per year and as such supports hundreds of jobs in Kenilworth. The Town Council hold the deeds for the Castle after the second Lord Kenilworth gave the castle to the people of the town in 1958, and it has been administered by English Heritage since 1984, who have in recent years invested considerably in the site. Due to the presence of Kenilworth Castle, the adjacent 12th Century ruined Augustine Abbey, and oldest parts the settlement, Kenilworth is unquestionably an Historic Town for Purpose D reasons.

As previously mentioned, English Heritage have invested significantly in Kenilworth Castle, re-creating the Elizabethan Gardens, adding new visitor facilities, a venue for education, community use and events, and most relevant to this document, constructing a staircase and an 18 metre high viewing platform in Leicester's Building which KEN.1/SG04 is visible from. With both the current topography and the additional height of any future buildings, it would seem impossible to screen this out of view.

In the 1960s there was a massive homebuilding expansion around Kenilworth. Part of this was the 'Castle Estate', with streets almost exclusively named after elements of the castle or people associated with it. One exception is a road called Rounds Hill, which is named after a settlement of that name which, alongside Kenilworth (then named Chinewrde), was recorded in the Domesday Book. It was decided that this estate could not impact on the setting of the Castle. The estate was carefully and deliberately designed to make sure it did not extend beyond the already established tree line of Little Wood, which stands on raised earthworks which were part of the outer moat of the Castle. This estate was completed in 1967, before the establishment of the West Midlands Green Belt in 1975. KEN.1/SG04 extends beyond this estate to the top of the actual hill called Rounds Hill, and is clearly visible from both the Castle and the associated Park and Garden.

With the exception of a handful of farm buildings and ancillary structures associated with the Castle, some of which have been converted, housing has never been built which is visible to the south or west of the castle. This open landscape is a fundamental part of the setting and special character of an historic town, and the setting of a highly significant heritage asset. The option to build here has been ignored for centuries.

The conscious decision not to build on the western side of Kenilworth due to the constraints of the setting and sightlines of Kenilworth Castle, and the precedent any such development would cause, is further evidenced by the current (2019-2027) Kenilworth Neighbourhood Plan^{xx} produced by Kenilworth Town Council:

“Because the Castle, with its associated historic Mere and park area, is on the western side of the town it has restricted development on that side and most of the recent development has been to the East. The new Local Plan provides for even more development on the East reaching right up to the A46.”

The first, and only thorough assessment of heritage assets carried out for the SWLP concurs with this statement. The Heritage and Settlement Sensitivity Assessment for Warwick and Stratford-on-Avon Local Plan (HSSA)^{xxi} conducted by Place Services, a subsidiary of Essex County Council, was published in September 2022. It split the area around Kenilworth into five sections, north, east, west, south-east and south west.

Kenilworth	North	AMBER	The conservation area and a number of Listed Buildings abut this area. Carefully located development may be possible in some areas.
Kenilworth	East	GREEN	The historic town is enclosed by modern development to the east. Dalehouse Farm will require mitigation of impact of development. Carefully located development may be possible in this area.
Kenilworth	South-east	RED	This area contains Stoneleigh Park designated park and garden and a scheduled Roman settlement as well as a number of Listed Buildings. There is little scope to accommodate development in this area.
Kenilworth	South-west	GREEN	The historic town is enclosed by modern development to the south-west. Wootton Grange Farm will require mitigation of impact of development. Carefully located development may be possible in this area.
Kenilworth	West	RED	The presence of the castle, priory and church makes development to the west highly damaging to the historic environment of the town. There is little scope to accommodate development in this area.

This rated the land to the west of Kenilworth as RED, a rating *“used to define those areas of the settlement in which large scale development would have a major impact on designated heritage assets (Scheduled Monuments, Listed Buildings, Conservation Areas, Registered Battlefields and Registered Park and Gardens) resulting in harm to their significance with limited or no prospect of mitigation. This harm could either be direct (physical changes to the asset) or indirect through changes to their setting.”*

Whilst KEN.1/SG04 has been described as ‘South-West of Kenilworth’ and the latest AECOM reports label it as ‘South of Kenilworth’, the HSSA defined ‘West of Kenilworth’ as:

“The western side of the settlement comprises the area to the north of Rouncil Lane, which follows the former line of the park pale and the A452. It contains Kenilworth Castle, the Registered Park and Garden, Kenilworth Abbey and part of the historic urban

area, with numerous Listed Buildings. This entirety of the west side of the town is highly sensitive and susceptible to change. The heritage assets retain their links to the rural landscape which provides an important contribution to the significance of these assets. There is little scope for the accommodation of development in this area.”

This is the only study which has correctly concluded that Kenilworth has a very clearly defined historical western boundary, defined over the centuries by the setting of Kenilworth Castle, which the HSSA classed as nationally significant, and that the **“entirety of the west side of the town is highly sensitive and susceptible to change”**. The report recommended:

*“Kenilworth is particularly noteworthy for its castle and the surrounding park and garden, as well as the extensive open space that constitutes the former site of the abbey. The historic settlement pattern is well preserved in the core of the settlement which lies in the north west of the town. **The setting of these assets makes a considerable contribution to their significance as they are still currently experienced within the historic open agricultural landscape, it is therefore recommended that development of the land beyond the western part of the settlement edge should be avoided.** It is therefore recommended that from a heritage perspective development should be restricted to the eastern side of the present settlement.”*

The HSSA defines ‘West of Kenilworth’ as starting at Rouncil Lane and going north, completely encompassing the northern part of KEN.1/SG04, (SG04-01 or KEN9 as it has been categorised in other reports), as there is a very clear western demarcation of Kenilworth, which is not only based on sightlines, but on the Park Pale boundaries. Following this report in 2022, all subsequent reports have completely ignored the RED rating of the HSSA. The authors of future reports include heritage analyses, were either not aware of the HSSA, chose not to refer to the only comprehensive heritage report carried out for the SWLP, or chose to ignore or misinterpret its conclusions. Reports which followed have sought to downplay the impact of KEN.1/SG04 on Kenilworth Castle, or at worst, completely ignore it. The Reg 18 Sustainability Appraisal made no mention of Kenilworth Castle. There is now a single passing comment in the Reg 19 SA. Despite the unequivocal HSSA findings, it is claimed KEN.1/SG04 makes no Purpose D contribution, and that the area can be reclassified as Grey Belt. This is clearly unsound.

The other observation of note made in the HSSA is that: *“Kenilworth has had extensive modern development particularly to the south and east which has partially eroded its*

value and sense of place on that side of the settlement.” If this is accepted, it must also be accepted that proposed modern development to the west will erode the value and sense of place on that side of Kenilworth and set a precedent for future development.

At the time of the HSSA, the local planning policy HE1 of the Warwick District Local Plan 2011-2029^{xxii}, “Designated Heritage Assets and their setting” was in place, which stated:

Development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or it is demonstrated that all of the following apply:

- a) The nature of the heritage asset prevents all reasonable uses of the site; and*
- b) No viable use of the heritage asset itself can be found that will enable its conservation; and*
- c) Conservation by grant funding or charitable or public ownership is not possible; and*
- d) The harm or loss is outweighed by the benefit of bringing the site back into use.*

Where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

The Glossary added these helpful definitions for absolute clarity:

Setting of a heritage asset: *The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve.*

Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

Significance (for heritage policy): *The value of a heritage asset to current and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.*

The HSSA approach of fully considering the setting of heritage assets and their settings was consistent with the previous WDLP and the old Section 16 of the NPPF^{xxiii}. The parts of Section 16 of the old NPPF which referred to the setting of heritage assets, and any decision to approve KEN.1/SG04 at the time as a development site contradicts were:

207. *In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, **including any contribution made by their setting**. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.*

208. *Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (**including by development affecting the setting of a heritage asset**) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.*

213. *Any harm to, or loss of, the significance of a designated heritage asset (**from its alteration or destruction, or from development within its setting**), should require clear and convincing justification. Substantial harm to or loss of:*

(a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

(b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional*

219. *Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and **within the setting of heritage assets**, to enhance or better reveal their significance. **Proposals that preserve those elements of the setting that make a positive contribution to the asset** (or which better reveal its significance) should be treated favourably.*

While the SWLP did not fulfil these requirements of the old NPPF regarding KEN.1/SG04, it also fails to fulfil the policy requirements of the new NPPF which was formally published in August 2026, which seems to be more stringent and specific concerning the setting of heritage assets than the previous one, specifically:

20. Conserving and enhancing the historic environment

*The objective of the policies in this chapter is to conserve and enhance the historic environment. **Heritage assets are an irreplaceable resource**, and range from sites and buildings of local historic value to those of the highest significance, such as World*

*Heritage Sites which are internationally recognised to be of Outstanding Universal Value. **These assets 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.***

Plan-making policies

HE1: Planning for the historic environment

1. To deliver a positive strategy for the conservation, enhancement and enjoyment of the historic environment, development plans should, at the most appropriate level:

a. Identify the heritage assets within the plan area, including those heritage assets at most risk through neglect, decay or other threats, set out the key issues facing them and identify where these assets can be used to support sustainable development;

b. Be informed by a proportionate heritage assessment;

c. Consider the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;

National decision-making policies

HE4: Securing the conservation of heritage assets

1. Heritage assets, as an irreplaceable resource, should be conserved in a manner appropriate to their significance. To achieve this, development proposals which would affect the significance of heritage assets, including any contribution made by their setting should:

a. Maintain or secure a use consistent with their conservation, taking into account the importance of maintaining the assets, the positive contribution they can make to sustainable communities including local economies, and the positive contribution they can make to local character and distinctiveness; and

b. Avoid (or if that is not possible, minimise) harm to the significance of heritage assets, and instead conserve this significance.

2. Any harm to, or loss of, the significance of a designated heritage asset (including from development within its setting) should have a clear and convincing justification in accordance with the policies in this chapter.

HE5: Assessing effects on heritage assets

1. Development proposals affecting heritage assets should be accompanied by an assessment of the significance of the assets affected (including any contribution made by their setting) and of the potential effect of the proposal on their significance. The level of detail should be proportionate to the assets' importance and no more than is necessary to understand the potential effect of the proposal on their significance. The relevant historic environment record should be referred to in making this assessment, and appropriate expertise employed where necessary.

2. Assessments of the potential effects of development proposals on the significance of heritage assets (including through effects on their setting) should identify whether proposals would be likely to:

a. Have a positive effect, which is where the significance of a heritage asset would be enhanced, or better revealed; or

b. Have no effect on the significance of a heritage asset; or

c. Result in harm to the significance of a heritage asset, either from work affecting the asset itself or from development within its setting. The degree of harm should be identified: substantial harm would occur where the development proposal would seriously affect a key element of the asset's significance; or

d. Cause the total loss of the significance of a heritage asset.

3. In making this assessment it is the effect on a heritage asset's significance rather than the scale of the development which should be considered.

4. Decision-makers should be satisfied that assessments accurately *reflect the effects on heritage assets* caused by development proposals.

The Arup Green Belt Reviews of KEN.1/SG04 simply ignored Section 16 of the old NPPF, and the policies set by the WDLP and SWLP. The authors of the Arup reviews also failed to refer to HSSA, which at the time was the only existing SWLP reference document concerning heritage. In determining that KEN.1/SG04 provides a no Purpose D contribution, the Arup Green Belt Reviews, which arbitrarily dismissed the CWGBR conclusion that Kenilworth was part of a built-up area, have in this case used the questions put by the CWGBR to determine Purpose D:

- Is the parcel partially or wholly within or adjacent to a Conservation Area within an historic town?
- Does the parcel have good intervisibility with the historic core of an historic town?

Their assessment of whether KEN.1/SG04 had any contribution for to Purpose D was based solely on proximity to the Kenilworth Conservation Area. No other factors were considered. This is the sole test on which KEN.1/SG04 has been deemed to provide no contribution to Green Belt Purpose D, and therefore that protection can be removed and KEN.1/SG04 can be redesignated as Grey Belt.

An assessment purely based on proximity to a Conservation Area for Purpose D is an assessment which, by completely ignoring all of the policy statements and guidance, has made no attempt to assess the required Purpose D evidence base, and is therefore clearly unjustified and unsound. The assessments for both segments of KEN.1/SG04 in both stages of the Arup Green Belt Review contain the exact same text, confirming this was the sole criterion used in their analysis:

“The site is adjacent to the defined historic town of Kenilworth. However, the site is not located within 250m of a relevant Conservation Area. Overall, the site makes no contribution to preserving the setting and special character of historic towns.”

Not only does this demonstrate that the only factor considered regarding the Purpose D assessment in the Green Belt Review (and subsequent Grey Belt classification) for KEN.1/SG04, is linear distance to the Conservation Area. Also, the Kenilworth Conservation Area^{xxiv} (KCA) is itself fundamentally flawed, as it pays no interest at all to the historical significance of the area surrounding Kenilworth Castle, as the Grade II* Kenilworth Castle Park and Garden which is the largest heritage site in Kenilworth, is not part of the KCA. It is also the case that the Pleasance^{xxv}, which is a Scheduled Monument sited within that Grade II* Registered Park and Garden (RPG), is also not part of the KCA.

The methodology of the Green Belt Reviews was also inconsistent with Draft Policy Direction (DPD) 27 which should have been guiding the process during Regulation 18, this stated: *“A strategic historic environment policy will: Preserve and enhance the historic environment (including its setting) for its inherent value, and for the enjoyment of residents and visitors.”*

This draft policy has since been superseded by the now finalised Strategic Objective 7, titled *“Conserving and enhancing our heritage and cultural assets”* which has the stated aim of *“Protecting and enhancing the wealth of heritage and cultural assets in South*

Warwickshire, and where possible, enhancing access and understanding of these assets.”, and specifically policy BN.9, which states:

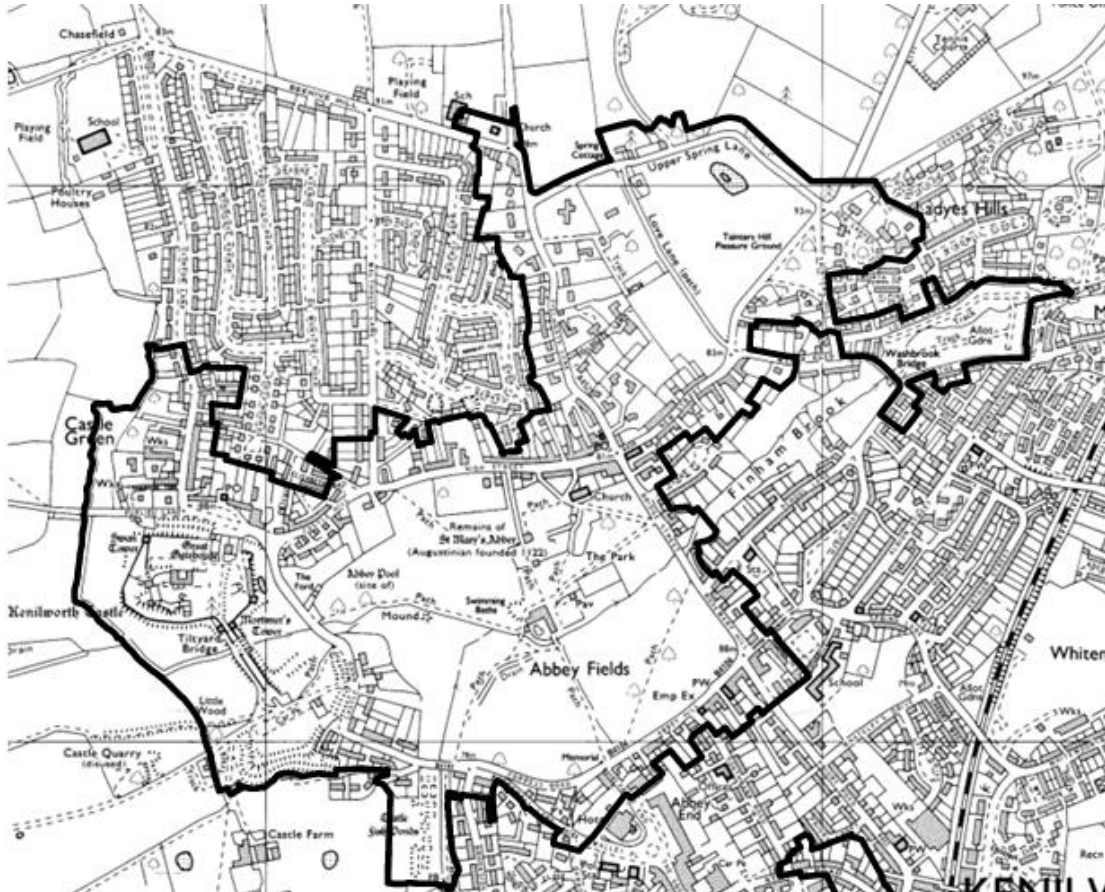
“South Warwickshire’s historic environment, including its heritage assets, should be conserved and, where appropriate, enhanced, for its inherent value, the enjoyment of present and future residents and visitors, and its contribution to a sense of place and the economic vitality of the area.”

“Development proposals will be supported where they conserve and, where appropriate, enhance heritage assets, including their setting. This includes safeguarding assets and supporting appropriate, viable and sustainable uses that conserve their significance.”

“Where proposals will affect a heritage asset (or its setting), applicants will be required to undertake and provide an assessment of the significance of the asset using appropriate expertise and a proportionate level of detail relating to the likely impact the proposal will have on the asset’s historic interest.”

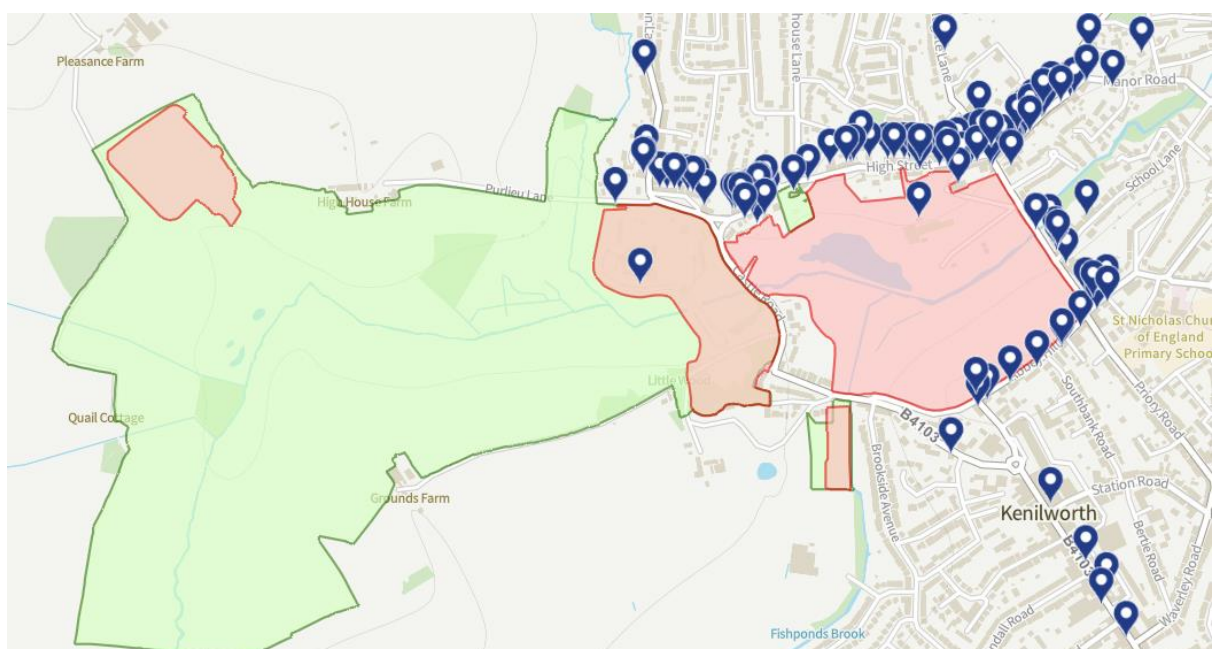
Any development of KEN.1/SG04 would be inconsistent with this policy, as the topography would simply not allow for any development to conserve or enhance the setting of Kenilworth Castle. The far larger concern is that whilst this policy and HE.5 of the August 2026 NPPF state that applicants would have to conduct an assessment of the significance on the settings of heritage assets and the potential impacts of their proposals, the Green Belt reviews have very clearly stated that there are no impacts on heritage assets, that KEN.1/SG04 makes no contribution for Purpose D. This could be interpreted that it has already been ruled there are no impacts on the setting of Kenilworth Castle, and no assessment is necessary.

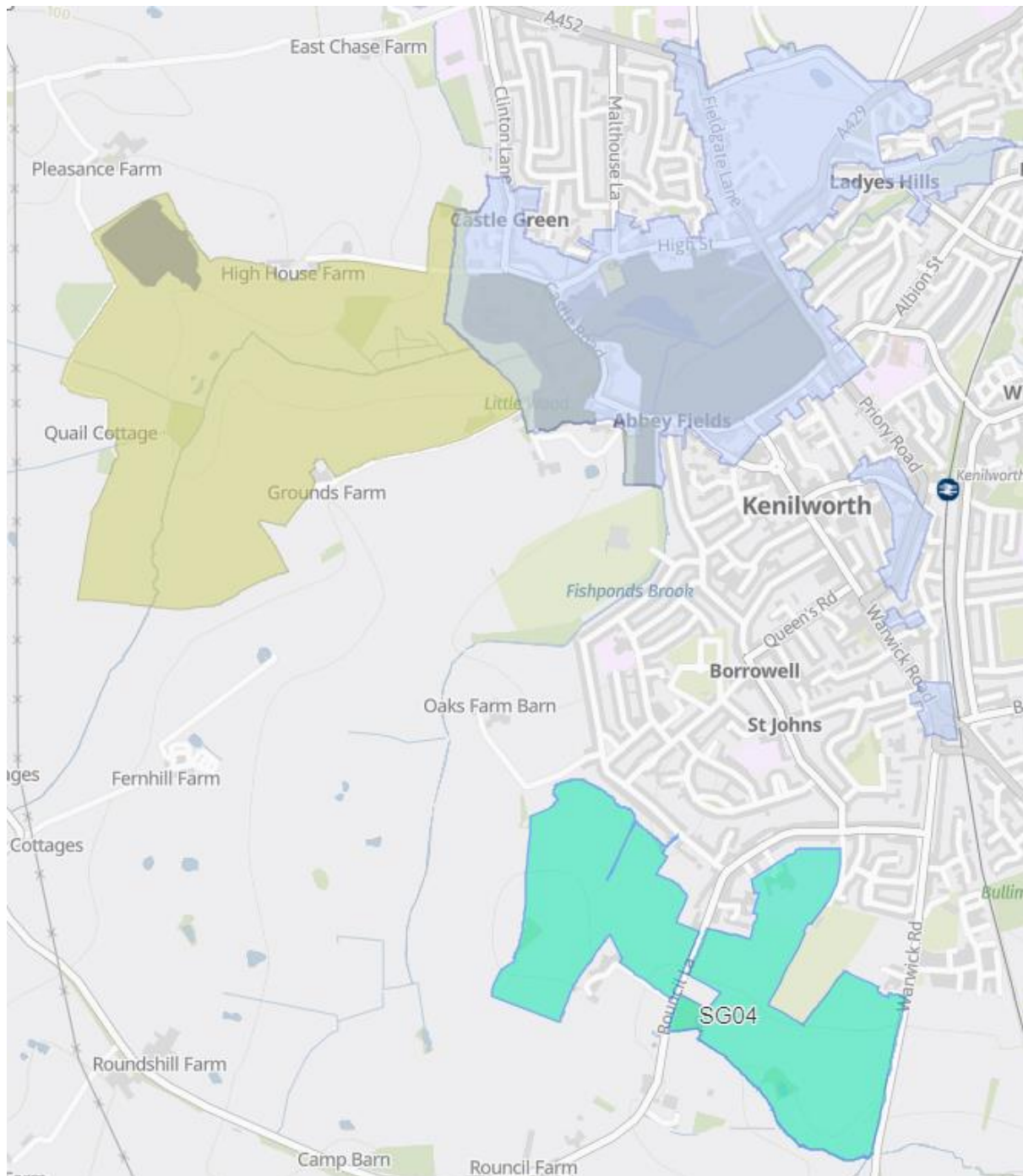
To illustrate the fact that using the KCA as the sole criterion for determining Purpose D contribution in the Green Belt Reviews, the first map on the following page shows the extent of the KCA and was produced in September 2007. The second map is the Historic England registry. The Park and Garden^{xxvi} was designated in 1985, with the Pleasance being designated in 1928. Seeing these maps together demonstrates that the KCA is completely unsound, unfit for purpose and should not play any part in assessing the Purpose D functions of the Green Belt around Kenilworth.



The main Kenilworth Conservation Area shown above is mainly concerned with the urban periphery of heritage sites and listed buildings. Kenilworth Castle sits at the southwest point of that map.

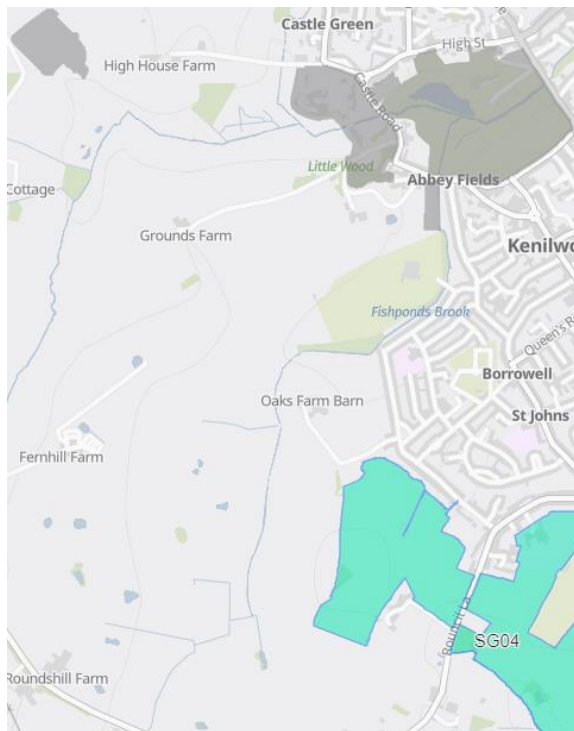
Below is the Historic England heritage registry for Kenilworth. The peach area in the centre is Kenilworth Castle. The Green area is the Grade II* Park and Garden, the vast majority of which is not included in the Kenilworth Conservation Area and is not even mentioned in accompanying documents. In the northwest corner is the Pleasance, a scheduled monument.





In the SWLP map above, filters have been turned on for: Scheduled Monuments (Dark Grey); Conservation Areas (Light Grey), Registered Parks and Gardens (Fawn) and Strategic Growth Areas. The Green Belt filter has not been turned on for clarity, but every part of undeveloped land to the South & West has been in the designated West Midlands Green Belt since its incorporation in 1975.

This demonstrates that for over 30 years, Warwick District Council (and Kenilworth Town Council) have failed treat heritage assets seriously, by not incorporating the largest heritage site in Kenilworth into the Kenilworth Conservation Area. It is possible that it may have been decided not to include the area in the KCA because this area had statutory Green Belt protection. If that was the case, that decision is now being used to remove Green Belt protection from the adjacent area.



The kidney-shaped grey block at the top centre of this image represents the extent of the Kenilworth Castle Scheduled Monument. Part of that includes Little Wood, which is an effective screen to shield the Castle from the housing estate to the south built in the 1960s. That estate was deliberately not built beyond the point of this visual curtain.

The established woodland (where the word 'wood' is) is an effective screen as this was planted atop of raised earthworks associated with watercourses built for the Castle.

Outside the scheduled monument to the west of the farm access road are some sporadic and smaller younger trees. These are down the valley and would not provide effective screening to KEN.1/SG04, parts of which sit above the 90 metre contour.

To underline shortcomings of the KCA, in the Guide to the Kenilworth Conservation Area published in 2010 by WDC, Area 10 which covers Castle Green and the Castle is stated to be a: ***“Nationally important location incorporating a primary English Castle.”***

But it makes no mention whatsoever of the Grade II* Park and Garden, apart from in the historical preamble: that the park (centuries before it was listed) was the site of the largest man-made lake in the world, which was drained after the Civil War and divided into farms. To put this in perspective, the Grade II* listed Park and Garden has a larger land footprint than all the other heritage assets in Kenilworth combined, yet has been ignored completely in the KCA.

The methodology regarding KEN.1/SG04 Purpose D assessment in the Green Belts Reviews, which rely strictly and solely on a linear 250m distance to a Conservation Area, and take no consideration of topography, the historical landscape, or the setting, deliberately not only rejects the opportunity to have a robust and credible evidence base, but ignores both national legislation and local policies. This is a completely unsound document which uses an unjustified assessment method, leading to indefensible conclusions. This fundamentally flawed assessment relies on a customised and unprecedented methodology, and is the indispensable foundation for reclassifying KEN.1/SG04 as Grey Belt.

However, maybe the most damning document in demonstrating the absolute failure of the SWLP in assessing Purpose D with regard to KEN.1/SG04 (in this document labelled ‘South of Kenilworth’), was the Reg 18 Sustainability Appraisal produced by Lepus in December 2024^{xxvii}. The Cultural Heritage section of this document, which produced the score which put KEN.1/SG04 in the top five best performing sites, **makes no mention whatsoever of Kenilworth Castle or the Kenilworth Castle Park and Garden**³. These two terms cannot be found anywhere across the 408 pages of the two documents. This was an incomprehensible failure which completely discredits the entire Sustainability Appraisal analysis of Cultural Heritage.

The Regulation 19 SA now includes a single mention of Kenilworth Castle:

“Development may affect the setting of Kenilworth Castle and surrounding historic character. Landscape buffers, traditional materials and design measures are required to minimise effects.”

This sentence seems to have been thrown in at the last minute to counter the criticism that there was no mention of Kenilworth Castle in the previous SA. The mitigations suggested demonstrate that the authors have no understanding of the issue, as the setting is determined by topography. The northern part of KEN.1/SG04 lies in open countryside at the top of a hill and on the hillside facing Kenilworth Castle. None of the suggestions listed could do anything to mitigate the impact development would have on such a setting.

In terms of impact to the Kenilworth Conservation Area, KEN.1/SG04 is rated as ‘one minus’ (their six-point scoring scale ranks sites as --, -, 0, +/-, +, ++. Also, one minus is the lowest possible score in the conservation area category), which means *“Development proposal located within a Conservation Area or considered to be located within the setting of a Conservation Area.”*

If this analysis was transferred to the setting of the Castle, it would have meant that KEN.1/SG04 received a ‘double minus’ (the worst possible rating) in the three categories of Grade I listed buildings, Scheduled Monuments and Registered Parks and Gardens. This ‘Major Adverse Effect’ would have meant:

³ Volume 2 twice refers to ‘Castle Park’, but this is not the RPG. In two sections concerning leisure facilities, the authors have got the name of Castle Farm Leisure Centre wrong and designated it as ‘Castle Park’.

“Development proposal coincides with, is located adjacent to, or could significantly impact the setting of, a Grade I Listed Building/Scheduled Monument/Registered Park and Garden. The proposed option prevents the achievement of the SA Objective to a significant extent. Mitigation solutions are likely to be complex, if at all possible. A high level of intervention is required.”

Instead, KEN.1/SG04 received a zero rating. meaning: *“The proposed option has no effect or an insignificant effect on the achievement of the SA Objective. Development proposal not considered likely to impact a Grade I Listed Building/SM/RPG or its setting”*

To be absolutely clear, the SA is where the sift analysis which determined site rankings, which determined the preferred options. Despite the HSSA flagging serious issues with KEN.1/SG04 and the setting of Kenilworth Castle having been produced two years earlier, the initial SA ignored the existence of Kenilworth Castle, with there now being a cursory mention. This analysis is the reason KEN.1/SG04 was ranked in the top five SGLs and became a preferred location. Not only this, but during the SWLP public consultation in 2025, council staff very specifically said that the choices of preferred sites would (*not might, but would*) change if errors in methodology and assessments were found. With KEN.1/SG04 it was thoroughly and fundamentally demonstrated that there had been an incomprehensible failure in terms of the Cultural Heritage assessment. Whilst it could be argued that it is not certain that Lepus would have given KEN.1/SG04 the worst possible rating if they had assessed the impact on Kenilworth Castle, it is clear it got a zero rating because they had made no such assessment.

Given that Lepus went on to provide a critique on DPD 27 in the Reg 18 SA, which specifically calls for the protection of heritage assets **and their setting**, the failure at that stage to notice that Kenilworth has a Castle is simply incomprehensible, especially given that in the case of the Harbury Lane site, mention is made of a Registered Park and Garden which is 2.3km away. This is a fundamental failure of the highest level. With the Reg 19 SA, a throwaway comment has been added, which simply states there ‘may’ be an issue, but if there is, it won’t be a problem, as lines of sight between two opposing hillsides could easily be screened with a buffer zone.

The SA simply has no credibility whatsoever with regards to the Purpose D assessment of KEN.1/SG04.

— — —

The Regulation 18 response from Historic England on KEN.1/SG04^{xxviii}, which with SG01, are the only strategic growth locations they would have preferred not to have been carried forward into the Regulation 19 Plan, reiterates the points made in the HSSA:

“POTENTIAL OBJECTION: *development would harm the significance of Kenilworth Castle, as the site includes part of the deer park to Kenilworth Castle that contributes to the significance of the castle. The deer park pale is a well-preserved earthwork visible on the ground and on LiDAR (may have been a number of alignments as medieval deer parks expand and contract over the period of their use).”*

“Also, high level of concerns: *development here has the potential to cause harm to the setting Kenilworth Castle LB (GI) and RPG (GI*).*”

“Recommend: *HIA prior to allocation. However, we would prefer this SGL not to be carried forward into the Reg 19 Plan in its current form and for the areas that contribute to the significance of Kenilworth Castle to be removed.*”

The first line of that response from Historic England, that: ***“development would harm the significance of Kenilworth Castle”*** should at least prompt some form of genuine reassessment on Purpose D. Whilst this response and the responses of residents concerned about how development on KEN.1/SG04 might impact the setting of the Castle and visitor experience appear in the Consultation Statement^{xxix} of February 2026, the Exceptional Circumstances Topic Paper published in May 2026 held the official line, that KEN.1/SG04 makes **no contribution** to Purpose D assessments, and therefore rules that KEN.1/SG04 qualifies as Grey Belt.

This no contribution assessment is further proven to be unsound, as it is completely undermined by the Public Document Pack^{xxx} for the Joint Cabinet meeting of May 28th 2026 (two consecutive pages are referenced here, with the first page having three different numbers: 294, 324 and 328). SG04 is renamed KEN.1 in this document. Under ‘Historic Environment Requirements’ it says there is a need to: ***“Incorporate a buffer to the north-west of the site to minimise any impact on sightlines from Kenilworth Castle”***.

The obvious contradiction is that if there is no contribution then why is a buffer needed to minimise impacts on the sightlines, as if there is no contribution, there surely are no sightlines? This is a perfect example of the running contradictions we see throughout the SWLP assessments of KEN.1/SG04, that there is no impact on Kenilworth Castle when it comes to stripping KEN.1/SG04 of Green Belt protection, in the reports which

accept that decision has been made, it is felt that something has to be done about the impact of construction on Kenilworth Castle. Also, how a 'buffer' could be incorporated to a housing site planned for the side of the valley, going up to the top of the hill which faces the Castle, is unclear.

Various reports were produced subsequently to the ECTP, including a Heritage Impact Assessment (HIA)^{xxxii} should be produced, which was supposed to address the issues raised by Historic England and was published in May 2026 (authors unknown). The SWLP records show that responses from Historic England, as a Statutory Consultee, were received for the various stages as: 18/06/21; 02/03/23; and 06/03/25.

The KEN.1/SG04 HIA document starts with this disclaimer:

"The authors received comments from Historic England via the local authority on 7 October. Initial site boundaries were received at the same time, and it is understood the Historic England comments referred to those boundaries, or to an earlier version. Updated boundaries were received on 11 December, and these reports were updated to reflect the revised boundaries. However, updated comments have not been received from Historic England, and their comments relate to the earlier site boundaries. that the authors received comments from Historic England via the local authority on the 7th of October and that there have been no further comments from Historic England since then, and the subsequent site boundaries were updated on the 11th of December."

HIAs have been produced for all of the preferred sites, and all state there was a site boundary change on the 11th of December. If this referred to December 2024, this would make complete sense, as all of the SWLP sites were locked in on that date in 2024, the day before the Regulation 18 public consultation was signed off on the 12th of December.

However, in the case of some of these HIA documents, such as the one for SG14^{xxxiii}, the year of 2025 has been added to the October and December dates. This does not make any sense as the site boundary change happened on that day the previous year. It was initially thought that this demonstrated the HIAs were an edit of an earlier unpublished document. However, in responses to Freedom of Information Act requests, both Warwick District Council^{xxxiii} and Stratford District Council^{xxxiv} have stated these are the original documents, despite the clearly incorrect timeline. It is also the case that whilst the reports seem not to originate from the local authorities, as they all state the authors "received comments via the local authority", but there is no indication as to who did actually produce these reports.

While it was claimed the HIA was conducted in response to comments from Historic England, makes no attempt to address the issues raised by Historic England. There is no indication of the methodologies which have been used, and comparing the various HIAs, there has been no assessment of the significance of heritage assets, which completely fails to address the requirements of the NPPF, whether that is Paragraph 207 of the December 2024 NPPF, or Section HE5:1 (and others) of the August 2026 version, meaning this assessment cannot be considered to be legally compliant.

This suite of unreferenced HIA documents is nonsensical and contradictory. They seem to have been produced in a slapdash manner in a rush to satisfy the requirements following Regulation 18 and complete Regulation 19 by the end of 2026, as these reports appear contradictory and are profoundly unsound.

The KEN.1/SG04 analysis seems to agree and disagree with the Historic England at the same time, in that the setting of Kenilworth Castle is significant, but KEN.1/SG04 does not contribute to that setting. It then goes to far as to say it is questionable whether Kenilworth Castle is even visible from KEN.1/SG04, but at the end suggests that the northern end of KEN.1/SG04 could be removed and a buffer created to protect the sightlines which the earlier sections of the document suggest do not exist.

The South Warwickshire Landscape Sensitivity Assessment^{xxxv} (SWLSA) prepared by LUC in April 2026, also seeks to downplay the comments made by Historic England. Their ‘Historic character sensitivity’ judgement again ignores the concept of topography and the various policy requirements to consider setting. It rates KEN.1/SG04 as ‘low’ on Purpose D, stating: *“There are no recorded historic features or listed buildings within or close to the site. The site is over 1 km from Kenilworth Castle Registered Park and Garden.”*

In the ‘Character of the settlement and relationship with the landscape’ section of the SWLSA, the setting of the Castle itself again continues to be ignored in this assessment. The SWLSA also conflates the difference between Kenilworth Castle and the RPG:

“The existing settlement edge of St Johns can be seen in glimpsed views from the western edge of the Registered Park and Garden. The site is over 1 km from the Registered Park and Garden and there is a limited intervisibility.”

After initially claiming ‘limited intervisibility’ to the RPG, the authors then switch to complete invisibility regarding Kenilworth Castle, which sits in the RPG, as the section labelled “Visual prominence, skyline and views” states:

*“The skyline is largely undeveloped, with **no notable landmark features.**”*



Again, it was assessed that KEN.1/SG04 was assessed as having no notable landmark features.

This is made worse by the fact that the photograph above is taken from the public footpath, but the authors of the report had full access to the site, and Kenilworth Castle is more visible from other parts of KEN.1/SG04. More significant is how visible the site is from Kenilworth Castle.

Given this is the only report where it can be evidenced that someone has actually visited the site as it contains photos, this conclusion is beyond comical. Kenilworth Castle is a **Primary English Castle of international significance**, though of course there is no suggestion the authors went to the Castle itself to assess the visual prominence, skyline and views which development of KEN.1/SG04 would create. Kenilworth Castle is clearly visible from KEN.1/SG04, and is something which Charles Dickens described as being ‘beautiful beyond expression’, but according to this report, KEN.1/SG04 has **no notable landmark features**. It is now getting hard to find the words now, especially given that someone associated with this writing report had demonstrably visited the site as the report contains photos. This is completely unsound and unjustifiable.

The ‘Development Management Guidance’ section of the SWLSA continues in this vein of not noticing the Castle itself, stating there is a need to: *“Protect the undeveloped skylines, particularly the open views from the north-west along Farm Road. Consider the impact of development on views from Kenilworth Castle Registered Park and Garden to the west, ensuring that any new development does not break the treeline.”*

The first line of that sentence contains the perfect contradiction, that there is a need to *“Protect the undeveloped skylines, particularly the open views...”*, without accepting that KEN.1/SG04 is itself an undeveloped skyline. The whole reason that the 1960’s development ended where it did on Farm Road (there were two pre-existing properties associated with Oaks Farm beyond the adopted highway) was so that it did not break the tree line. To go beyond the current point of development is by definition, breaking the tree line and impacting an undeveloped skyline with open views.

Another report listed in the Exceptional Circumstances Topic Paper is the Masterplan^{xxxvi}. The Masterplan produced by AECOM in May 2026 continues with the pattern in that as a document concerned with developing the site, opposed to one providing a judgement about Green Belt status, acknowledges:

“Kenilworth Castle, a Grade II listed heritage asset designated as both a Registered Park and Garden and a Scheduled Monument, lies adjacent to the site to the north-west. **While the castle and its formal grounds are located outside the site boundary, their setting, key views, historic character and cultural significance extend beyond the designated boundary.** As such, the presence of this heritage asset requires a careful and sensitive design-led approach.”*

AECOM also produced a Baseline Report^{xxxvii} for KEN.1/SG04 in May 2026, which goes further, (though it is another report which mixes up the designations surrounding the Scheduled Monument of the Castle and the associated RPG), with there being slightly more bite at the end: *“Adjacent to the Focus Area northwest is Grade II* listed Kenilworth Castle, designated as both a Registered Park and Garden and Scheduled Monument. **Despite being located outside the Focus Area boundary the setting, views, existing character and cultural sensitivity of the area are a key constraint in relation to any development proposals.**”*

In that report, the RAG analysis of interdependencies and risk the *“Impact on setting of Grade II* Kenilworth Castle Registered Park and Gardens.”* is rated ‘RED’, however, the Landscape Proforma in that document is strongest:

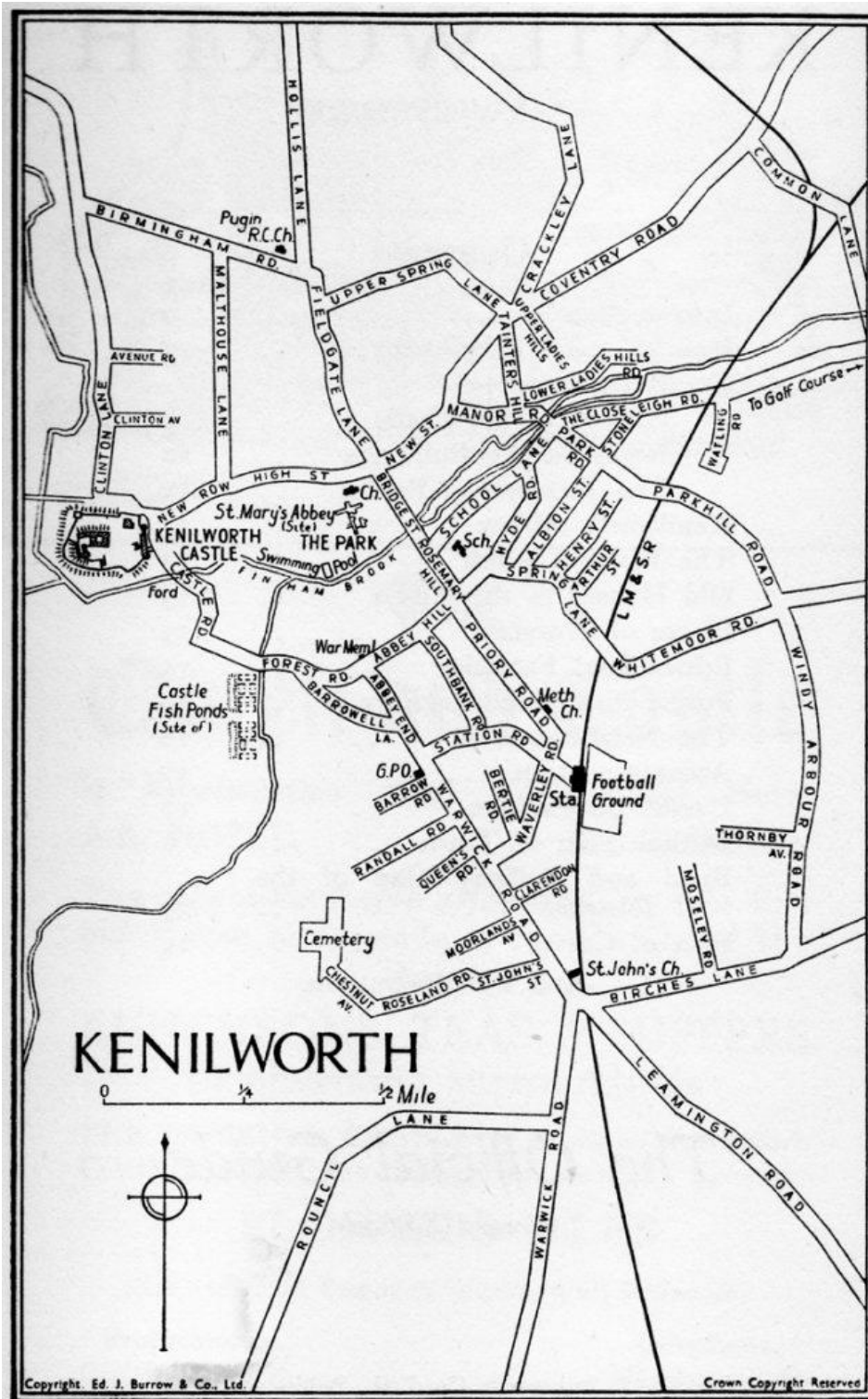
“The landscape setting of Kenilworth Castle is of significant importance. Development should not impede views to and from the Castle particularly along Rouncil Lane. The existing open parkland character of the Castle should be maintained.”

Following the HIA, Annex C which seeks to explain the Strategic Site Selection Rationale,^{xxxviii} was produced in July 2026. Whilst the SWLP Technical Evidence webpage specifically states *“Following comments at Preferred Options Stage by Historic England, Heritage Impact Assessments were undertaken for Strategic Growth Locations and New Settlements”*, the HIA section of Annex C does not seek in any way to address (or mention) any of the issues raised by Historic England.

While the HIA mentions the main KCA, the RPG and the Castle, Annex C strictly adheres to a strictly linear 500m study area in its’ HIA section, again ignoring the NPPF, HE1, DPD27 and the newly established SWLP SO.7, and policy BN.9. The paragraph quoted above from AECOM of the need: *“for a design-led approach”* is included however in the Masterplan section of Annex C.

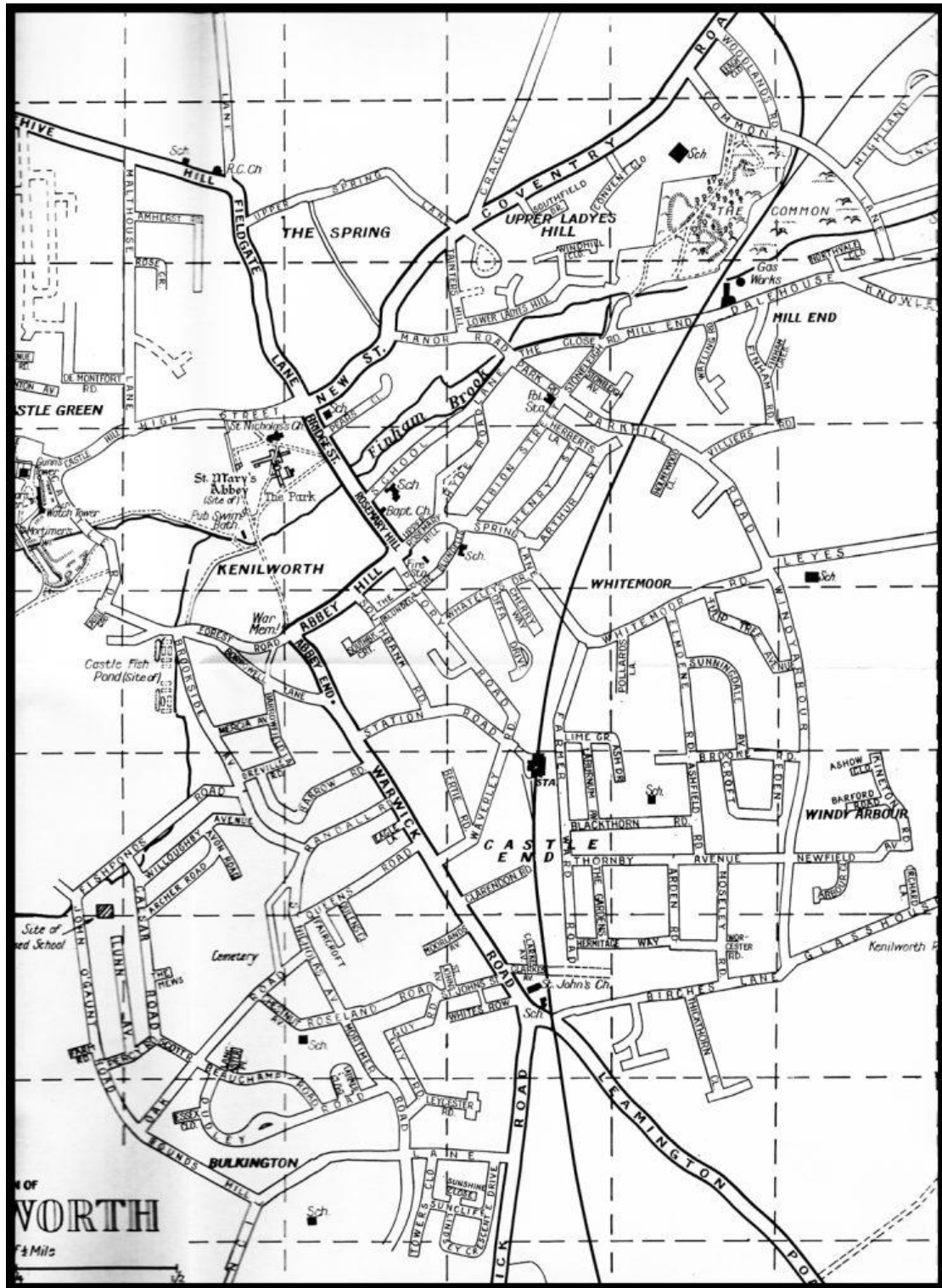
It is obvious that the impact of KEN.1/SG04 on the historical setting Kenilworth Castle has either been ignored by the SWLP, or admitted then downplayed due to a highly selective interpretation of the facts concerning the setting of Kenilworth Castle. Reports have ignored the way Purpose D was required to be assessed, with there being a clear difference in the conclusions of reports produced to determine Purpose D assessments, and reports which were not created for this purpose. This is clear irrational, unjustifiable and unsound.

The following pages contain historical maps of Kenilworth, demonstrating how development has deliberately continued away from the sightlines of the Castle over time.



Map of Kenilworth from 1938.

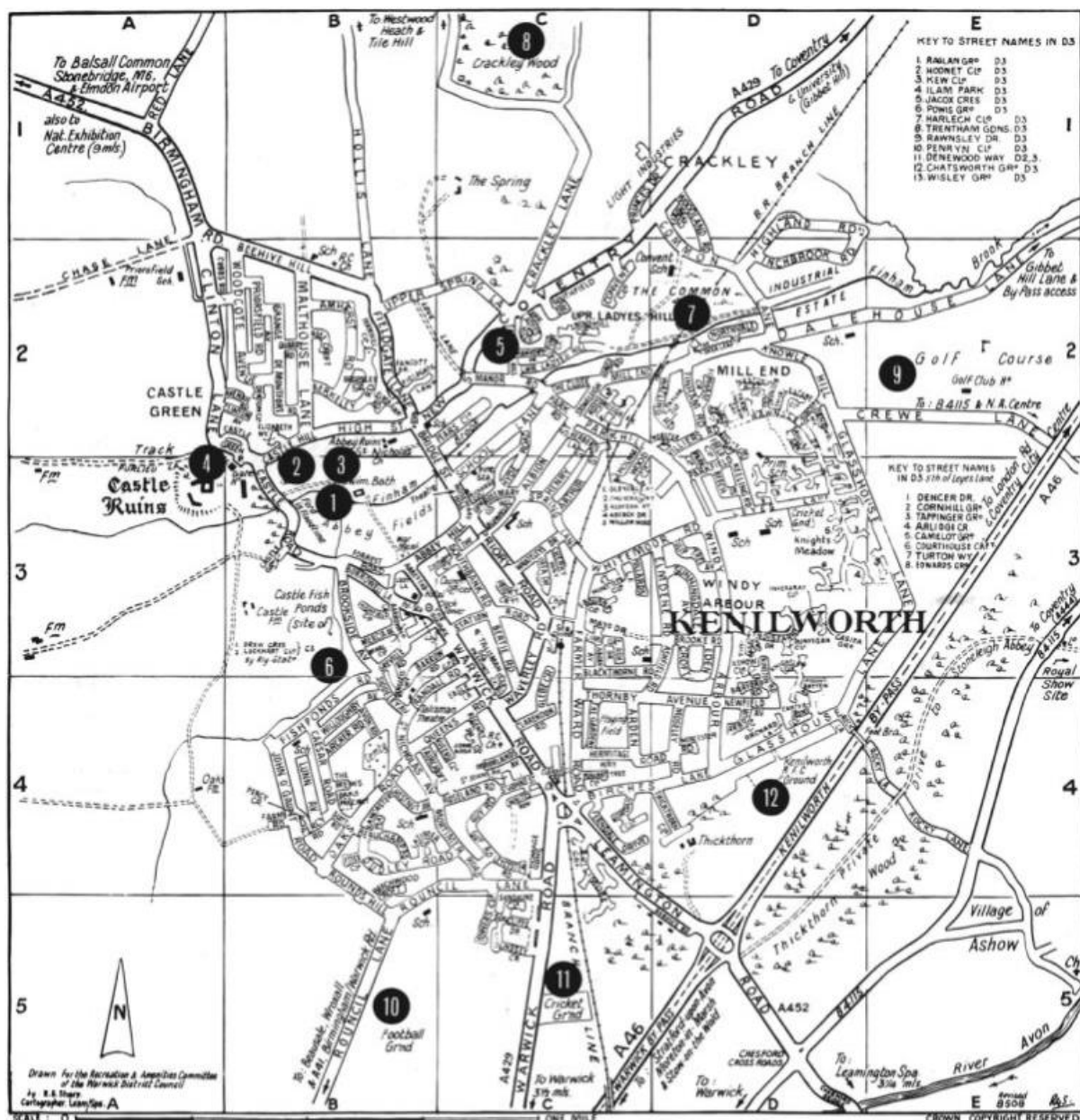
As previously mentioned, there has been significant development of Kenilworth over the last century, but until it has never been suggested that it would interfere with the established sightlines of Kenilworth Castle.



1965 Map of Kenilworth. The Town has significantly expanded to the East, but the Southern expansion has been restricted by the setting of the of the Castle to the West.

Note that stubs exist to the West in terms of Farm Road and the corner of Fishponds Road and John O'Gaunt Road. Developers wanted these to be continuations of the Castle Estate, but these were not allowed because of the impacts of the setting of Kenilworth Castle.

Little Wood which shields the sightlines is not represented in these maps.



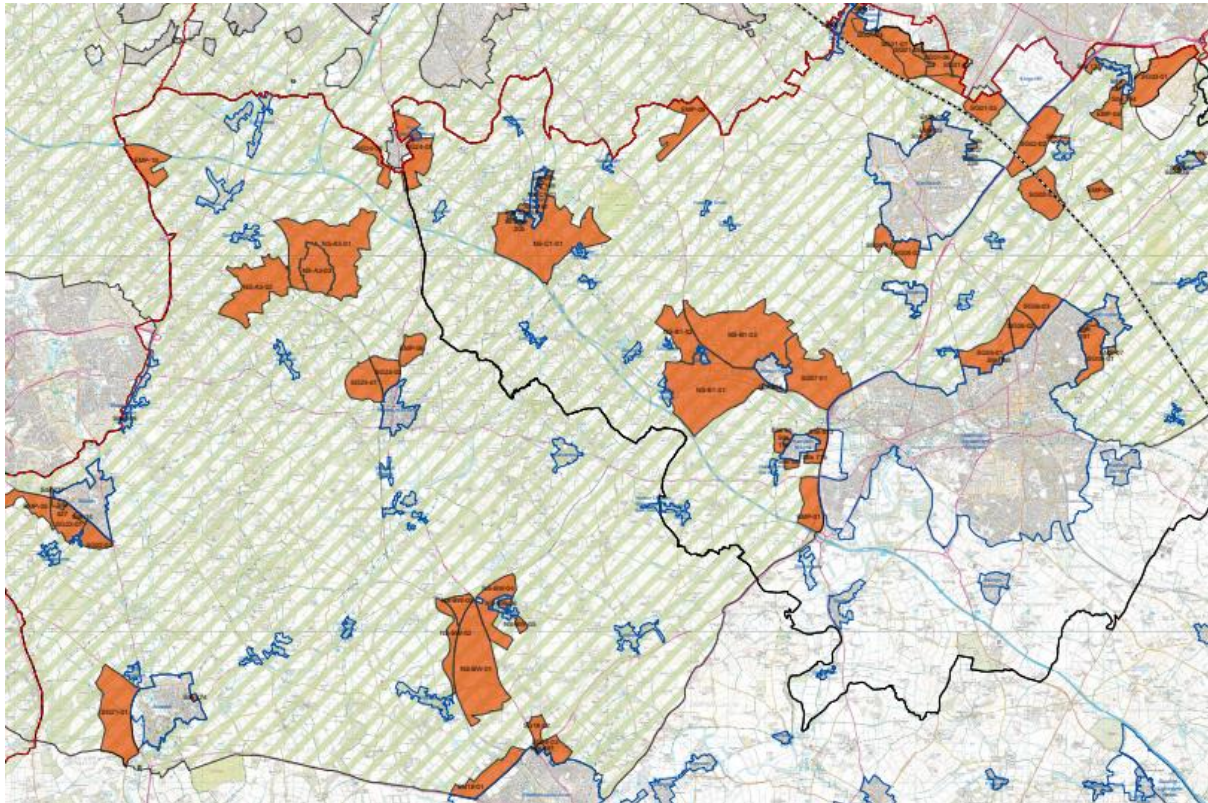
1989 Map of Kenilworth produced during construction of the Knight Meadow Estate to the East. Infill occurred to Glasshouse Lane and Knowle Hill with development continuing away from the Castle as the town moved out to the boundaries of the Green Belt.

In the last decade, Green Belt protection was removed from land further East of this map to allow infill developments up to the A46 and South beyond the Cricket Ground, with no proposed development which would impact the setting of Kenilworth Castle to the West until now.

The setting of Kenilworth Castle has been deliberately protected for centuries. Once this protection is broken, a precedent will have been set to allow for the further degradation of its setting in the future.

Purpose E) To assist in urban regeneration by encouraging the recycling of derelict and other urban land.

Below is the map showing the Purpose E assessment carried out by Arup (page 243 of the Green Belt Stage 2 assessment). Every single Green Belt parcel in the whole of the SWLP is rated the same, given a “Moderate Contribution” for Green Belt purposes.



The **exact same text** accompanying the assessment of every single parcel of Green Belt land in the Arup Stage Green Belt 2 assessment is: *“Moderate contribution: All Green Belt is considered to play a role in contributing to Purpose E by encouraging the re-use of urban land. The site therefore makes a moderate contribution to Purpose E.”*

Many arguments could be made for KEN.1/SG04, but it is far easier state the Purpose E assessment was clearly a tick-box exercise. **Every single part of Green Belt land has been rated as having the same contribution, with exactly the same text.** It seems impossible for any parcel to provide a ‘strong contribution’ for Purpose E assessment. Exactly the same text could be used to justify a ‘strong contribution’ rating. This suggests the Purpose E assessment for the entire SWLP was never been taken seriously.

References.

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- ⁱ Association of Leading Visitor Attractions <https://www.alva.org.uk/details.cfm?p=423>
- ⁱⁱ Kidderminster Shuttle – press coverage of an English heritage report
https://www.kidderminstershuttle.co.uk/news/business_daily/8449975.investing-in-heritage-makes-economic-sense-claims-report/
- ⁱⁱⁱ SWLP Preferred Options Map
<https://soadc.maps.arcgis.com/apps/webappviewer/index.html?id=5a3b9976bd7749a3bff44b2a1016ffc4>
- ^{iv} SWLP Green Belt Review Stage 1
<https://www.southwarwickshire.org.uk/doc/214538/name/South%20Warwickshire%20Green%20Belt%20Review%20-%20Stage%201%20Report%20with%20all%20appendices.pdf>
- ^v SWLP Green Belt Review Stage 2
<https://www.southwarwickshire.org.uk/doc/214586/name/South%20Warwickshire%20Green%20Belt%20Review%20-%20Stage%202%20Report%20Final%20Issue%20-%20including%20all%20appendices.pdf>
- ^{vi} South Warwickshire Local Plan Green Belt Exceptional Circumstances Topic Paper (May 2026)
<https://www.southwarwickshire.org.uk/doc/214648/name/GB%20Exceptional%20Circumstances%20Topic%20Paper.pdf>
- ^{vii} Planning Inspector response to the SWLP, May 2026.
<https://estates10.warwickdc.gov.uk/CMIS/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=zTISYikuDEK42FPINF1IyeWDgveOewDQ%2bbq6HxFlz7kvoENm7c9muQ%3d%3d&rUzwRPf%2bZ3zd4E7lkn8Lyw%3d%3d=pwRE6AGJFLDNlh225F5QMaQWctPHwdhUfCZ%2fLUQzgA2uL5jNRG4jdQ%3d%3d&mCTIbCubSFfXsDGW9IXnlg%3d%3d=hFflUdN3100%3d&kCx1AnS9%2fpWZQ40DXFvdEw%3d%3d=hFflUdN3100%3d&uJovDxwdjMPoYv%2bAjvYtyA%3d%3d=ctNJfF55vVA%3d&FgPIIEJYlotS%2bYGoBi5olA%3d%3d=NHdURQburHA%3d&d9Qjj0ag1Pd993jsyOJqFvmyB7X0CSQK=ctNJfF55vVA%3d&WGewmoAfeNR9xqBux0r1Q8Za60lavYmz=ctNJfF55vVA%3d&WGewmoAfeNQ16B2MHuCPMRKZMwaG1PaO=ctNJfF55vVA%3d>
- ^{viii} SWLP, Exceptional Circumstances Topic Paper
<https://www.southwarwickshire.org.uk/doc/214648/name/GB%20Exceptional%20Circumstances%20Topic%20Paper.pdf>
- ^{ix} The Strategic Site Screening (Appendix F) of the Strategic Flood Risk Assessment, May 2026
<https://www.southwarwickshire.org.uk/doc/214560/name/Appendix%20F%20Strategic%20Sites%20Screening%20.pdf>
- ^x Landscape Sensitivity, Ecological and Geological Study, produced by Warwickshire County Council and York University, updated April 2014.
https://www.warwickdc.gov.uk/downloads/file/1889/landscape_sensitivity_and_ecological_and_geological_study_-_landscape_assessment_update_april_2014
- ^{xi} South Warwickshire Landscape Sensitivity Assessment, LUC, April 2026
<https://www.southwarwickshire.org.uk/doc/214537/name/South%20Warwickshire%20Landscape%20Sensitivity%20Assessment%20SGLs%20%26%20NS.pdf>
- ^{xii} English Heritage, “Views fit for a Queen” <https://www.english-heritage.org.uk/about/search-news/views-fit-for-a-queen/>
- ^{xiii} Planning Inspector response to the SWLP, May 2026.
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xiv SWLP, Exceptional Circumstances Topic Paper

<https://www.southwarwickshire.org.uk/doc/214648/name/GB%20Exceptional%20Circumstances%20Topic%20Paper.pdf>

xv Transport Matters, Most cancelled trains (video – link starts video at 1m39s)

https://youtu.be/nSfbGinbfd8?si=HEHWx-utgYGq_EmU&t=99

xvi Documents relating to the 2015 Coventry and Warwickshire Green Belt Review can be downloaded here: https://www.warwickdc.gov.uk/downloads/download/744/joint_green_belt_study_2015

xvii SWLP Emerging Spatial Growth Strategy

<https://www.southwarwickshire.org.uk/doc/213177/name/Topic%20Paper%20The%20SWLP%20Emerging%20Spatial%20Growth%20Strategy%20as%20at%20Preferred%20Optionsv2.pdf>

xviii Coventry and Warwickshire Green Belt Review 2015 / 2016: Critique of the methodology

<https://www.southwarwickshire.org.uk/doc/212393/name/Critique%20of%20C%20and%20W%20GB%20review%20methodology.pdf>

xix Association of Leading Visitor Attractions <https://www.alva.org.uk/details.cfm?p=423>

xx Kenilworth Neighbourhood Plan 2017-2029 https://kenilworth-tc.gov.uk/wp-content/uploads/2021/10/Kenilworth_Neighbourhood_Plan-1.pdf

xxi “Heritage and Settlement Sensitivity Assessment for Warwick and Stratford-on-Avon Local Plan (SWLP)” conducted by Place Services, September 2022.

<https://www.southwarwickshire.org.uk/doc/211480/name/SouthWarwick%20HSA%20final%20access%20compressed.pdf>

xxii Warwick District Local Plan 2011-2029

https://www.warwickdc.gov.uk/info/20410/new_local_plan

xxiii NPPF Section 16, Conserving and enhancing the historic environment

<https://www.gov.uk/guidance/national-planning-policy-framework/16-conserving-and-enhancing-the-historic-environment>

xxiv Kenilworth Conservation Area, downloadable from WDC

https://www.warwickdc.gov.uk/downloads/download/150/urban_conservation_areas

xxv Historic England Heritage Register, The Pleasance <https://historicengland.org.uk/listing/the-list/list-entry/1007720?section=official-list-entry>

xxvi Historic England Heritage Register, Map of Kenilworth Castle Park and Garden

<https://historicengland.org.uk/listing/the-list/list-entry/1000496>

xxvii Regulation 18 Sustainability Appraisal, by Lepus Consulting. The appraisals are found in Volume 2

<https://www.southwarwickshire.org.uk/doc/213250/name/Final%20SA%20Appendices%20Regulation%2018.pdf> (Volume 1 can be found on this link)

<https://www.southwarwickshire.org.uk/doc/213249/name/Final%20SA%20Regulation%2018%20Report.pdf>

xxviii Historic England, SWLP Response, Appendix I

<https://www.southwarwickshire.org.uk/doc/213832/name/HE%20Preferred%20Options%20Response%20Appendix%20A%20redacted.pdf>

Other parts of the Historic England SWLP response can be found here

<https://www.southwarwickshire.org.uk/swlp/representations-preferred-options.cfm>

^{xxix} SWLP Regulation 18 Consultation Statement

https://www.southwarwickshire.org.uk/doc/214358/name/Consultation%20Statement%20.pdf?dm_i=1GAU,96ZTT,DTCBY1,12JYVL,1,0,0,0

^{xxx} Public Document Pack, Joint Cabinet Meeting 28th May 2026

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^{xxxi} SG04 Heritage Impact Analysis, May 2026, authors unknown

<https://www.southwarwickshire.org.uk/doc/214594/name/SG%2004%20HIA%20v1.pdf>

^{xxxi} SG14 Heritage Impact Analysis, May 2026, authors unknown

<https://www.southwarwickshire.org.uk/doc/214603/name/SG%2014%20HIA%20v2.pdf>

^{xxxi} What Do They Know: FOIA request submitted to WDC

https://www.whatdotheyknow.com/request/swlp_hia_documents#outgoing-2113181

^{xxxi} What Do They Know: FOIA request submitted to SDC

https://www.whatdotheyknow.com/request/swlp_hia_documents_2#outgoing-2113183

^{xxxi} South Warwickshire Landscape Sensitivity Assessment, LUC, April 2026

<https://www.southwarwickshire.org.uk/doc/214537/name/South%20Warwickshire%20Landscape%20Se nsitivity%20Assessment%20SGLs%20%26%20NS.pdf>

^{xxxi} AECOM SG04 South of Kenilworth Concept Masterplan, May 2026

<https://www.southwarwickshire.org.uk/doc/214625/name/Masterplan%20Report%20SG04%20Final%20 Report.pdf>

^{xxxi} AECOM, SG04 Baseline Report, May 2026

<https://www.southwarwickshire.org.uk/doc/214613/name/Baseline%20Report%20SG04.pdf>

^{xxxi} Annex C, July 2026, Strategic Site Selection Rationale, authors unknown

<https://www.southwarwickshire.org.uk/doc/214815/name/Annexe%20C%20South%20Warwickshire%20 Local%20Plan%20Strategic%20Site%20Selection%20Rationale.pdf>