

**NORTH WARWICKSHIRE BOROUGH COUNCIL**  
**LOCAL PLAN EXAMINATION**

**DRAFT HEARING MATTERS, ISSUES AND QUESTIONS**

**PHASE 1, STRATEGIC MATTERS**

**Notes**

1. Consistent with the approach set out in INSP1 and NWBC2, the following matters, issues and questions ('MIQs') relate only to strategic matters regarding the Local Plan ('LP'), in line with the draft programme [INSP4]. Depending on the outcome of an initial week of hearings in respect of matters 1 to 4, I will then establish hearing dates for matters 5 to 10.
2. As set out in INSP3, however, position statements in respect of all strategic matters (1 to 8) should be received by 1700 on 31 August 2018. Particular reference should be made to my additional questions [INSP2], and any subsequent response from North Warwickshire Borough Council ('NWBC'), as they focus in detail on areas which are central to phase 1 of the examination.
3. Strategic matters set for phase 1 of the examination are, to greater or lesser degree, detailed and inter-linked with one another. On occasion LP policies also contain both overarching requirements and elements related to managing development in practice (including LP1, LP2 and LP10).
4. Any position statements related to phase 1 of the examination should, however, focus on strategic matters in accordance with the MIQs below, and aim to be as succinct as possible [INSP3]. Agendas for hearing sessions with participants indicated, and more detailed questions where necessary, will be published shortly before each.
5. If new material or circumstances arise that justify additional consideration to that set out below, I will make separate arrangements for that in the interests of fairness. There is some flexibility in the programme, this document is in draft and may be subject to change, and the examination does not conclude until my report is with the Council.
6. For brevity and ease of reference I have included a list of abbreviations used in this and other examination documents. Introductions to each matter below and references to relevant policies or guidance are not intended to be comprehensive, but rather as context to help focus position statements and discussion during hearings.

## Abbreviations

CIL	Community Infrastructure Levy
CWHMA	Coventry and Warwickshire Housing Market Area
DtC	Duty to Cooperate
5YHLS	Five year housing land supply of deliverable sites
GBHMA	Greater Birmingham Housing Market Area
LDS	Local Development Scheme
LP	North Warwickshire Borough Council Local Plan [CD0/1]
NPPF 2012	National Planning Policy Framework, published March 2012
NWBC	North Warwickshire Borough Council
OAHN	Objectively assessed housing need
PCPA	Planning and Compulsory Purchase Act 2004 as amended
PPG	Planning Practice Guidance
PPTS 2015	Planning policy for traveller sites, published August 2015
Regulations	The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SGS	Greater Birmingham Strategic Growth Study, published in February 2018 [CD8/23]

## Schedule of MIQs

### EXAMINATION HEARINGS, PHASE 1

#### **Matter 1, The Duty to Co-operate ('DtC')**

*Week 1, Day 1, position statements due by 1700 on 31 August 2018*

#### *Introduction*

Section 33A of the PCPA requires that local planning authorities and other prescribed bodies engage constructively, actively and on an ongoing basis to maximise the effectiveness of plan-making in the context of strategic cross boundary matters.<sup>1</sup>

The DtC is both a general principle and relates to specific issues with the aim of achieving effective outcomes. I will therefore reflect on representations in respect of other matters in assessing whether the DtC has been complied with in substance. The DtC must be met during the preparation of plans; there is no provision to remedy non-compliance at examination.

#### *Issues and questions*

- 1.1 Has the LP been prepared in accordance with the DtC?
- 1.2 Have appropriate strategic cross boundary matters been identified?
- 1.3 Have relevant local planning authorities and bodies prescribed in Regulation 4 engaged constructively, actively and on an ongoing basis?
- 1.4 What are the remaining areas of dispute between relevant bodies?<sup>2</sup>
- 1.5 What outcomes have resulted from the DtC?
- 1.6 Has exercising the DtC maximised the effectiveness of addressing strategic cross boundary matters?

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<sup>1</sup> PPG Reference ID: 9-001-20140306.

<sup>2</sup> Noting in particular the representations of SLP302 (the Environment Agency) SLP324 (Tamworth Borough Council), SLP341 (Historic England) SLP385 (Staffordshire County Council).

## **Matter 2, Other legal compliance**

*Week 1, Day 1, position statements due by 1700 on 31 August 2018*

### *Introduction*

Various legal requirements apply to the development plan documents. Some of those set out below have not been the focus of significant representations, and there may therefore be no need for extensive discussion on them. As with the DtC, I will reflect on representations in relation to other matters in so far they have a bearing on legal compliance. Sustainability Appraisal ('SA') will be addressed primarily under matter 4.

### *Issues and questions*

- 2.1 Has the LP been prepared in accordance with the Statement of Community Involvement ('SCI')[CD5/2]?
- 2.2 Noting objections to the LP during its preparation, have consultees had appropriate opportunity 'to input into the process before decisions are made' (SCI, paragraph 6.7.5)?
- 2.3 Have all interested parties had appropriate opportunity to comment on evidence supporting the LP?<sup>3</sup>
- 2.4 Is the LP compatible with the Public Sector Equality Duty?<sup>4</sup>
- 2.5 Have the requirements of HRA (the Conservation of Habitats and Species Regulations 2010 as amended) been satisfied, including with regard to recent case-law? [CD1/7, INSP2].
- 2.6 Is it clear how the findings of the HRA have influenced the LP?<sup>5</sup>
- 2.7 Does the approach in, and evidence supporting, the LP demonstrate that it would contribute to mitigating and adapting to climate change in accordance with Section 19(1A) of the PCPA?
- 2.8 Has the LP been otherwise prepared in accordance with the relevant requirements of the PCPA and of Regulations (including in respect of publication, advertising and notification)?

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<sup>3</sup> Noting in particular concerns aired by representors that the Council's Leisure Facilities Strategy [CD7/5], SA [CD1/2] and Infrastructure Delivery Plan [CD0/4] were unavailable during initial stages of consultation on the Regulation 19 version of the LP.

<sup>4</sup> Equality Act 2010 (see LP paragraph 6.5).

<sup>5</sup> Both Natural England (SLP314) and the Environment Agency (SLP302) suggest changes to the LP, which may be incorporated in NWBC8. Some representors have expressed concern that the HRA does not refer to the Whitacre Heath Nature Reserve Site of Special Scientific Interest.

## **Matter 3, Housing needs and requirements**

*Week 1, Day 2, position statements due by 1700 on 31 August 2018*

### *Introduction*

Examination documents INSP1 and INSP2 have covered the policy context for establishing objectively assessed housing needs ('OAHN') and housing requirements including that for a five year land supply ('5YHLS'). In those documents, which should be considered in conjunction with MIQs, I ask several questions and identify some areas of concern.

Matter 3 will cover establishing OAHN, the LP housing requirement, traveller site requirements, and what the 5YHLS requirement should be. Whether requirements would be achieved by site allocations, or a 5YHLS demonstrated, will be for subsequent consideration.

### *Issues and questions*

- 3.1 Is LP strategic objective 2 consistent with policy LP6 and the NPPF 2012 in seeking to provide for the housing needs of the Borough?
- 3.2 In respect of OAHN the LP is based primarily on a Strategic Housing Market Assessment covering CWHMA authorities (the 'SHMA')[CD8/10]. Is the SHMA an appropriate evidence base?
  - (a) what is the effect of 2014-based household projections?
  - (b) are the findings of the SHMA consistent with those of the GBHMA Strategic Growth Study published in February 2018 ('SGS')[CD8/13A, INSP2]. If not, what are the reasons for any differences?
  - (c) are student numbers appropriately assessed in the SHMA?
- 3.3 LP table 2, consistent with the SHMA, sets out that the overall OAHN for NWBC is 237 homes annually to 2031. Is that robust?
  - (a) With reference to INSP2, does that figure take account of local planning authorities' or Local Enterprise Partnership economic policies?
  - (b) Has that figure been suitably adjusted to reflect local circumstances, including demographics, headship rates, employment trends, and market signals in accordance with the PPG?<sup>6</sup>
  - (c) what is the precise basis for the uplift to OAHN proposed on account of forecast economic growth and improving housing affordability?
- 3.4 Have the housing needs of all members of the community, including for affordable housing, been robustly assessed and translated into policy?
  - (a) Does the forecast level of affordable housing need in LP paragraph 8.10 accord with that of the SHMA? If not, why not?

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<sup>6</sup> In accordance with PPG Reference ID: 2a-017-20140306, 2a-018-20140306, 2a-019-20140306.

- (b) What is the total quantity of affordable housing predicted to be delivered over the plan period relative to needs?
- 3.5 Are traveller needs based on robust evidence in accordance with the PPTS 2015, namely the Accommodation Assessment of June 2013? [CD8/14]?
- 3.6 LP table 1 indicates that 940 homes of the proposed LP housing requirement are attributable to 'economic uplift' from the CWHMA and GBHMA in a 35%/65% split (320 and 620 homes). With reference to INSP2, is that approach consistent with the approach to establishing OAHN set out in the NPPF 2012 and PPG?
- (a) what is the basis for the relative apportionment between the CWHMA and GBHMA?
- (b) Is it accurate to describe 500 of those 940 homes as 'redistributed' from Tamworth Borough Council ('TBC')? If not, how should any previous and future housing delivery in NWBC relate to unmet needs of TBC within the context of the GBHMA and the previous commitment in the CS?
- 3.7 The LP housing requirement includes 540 homes redistributed from other authorities within the CWHMA in accordance with a Memorandum of Understanding to that effect (the 'CWHMA MoU')[NWBC4]. The LP also aspires to deliver 3,790 homes redistributed from the GBHMA, 10% of the level of anticipated undershoot over the plan period relative to needs (as established in Birmingham City Council's Local Plan). Is that justified?
- (a) Is accommodating an additional 540 homes redistributed from the CWHMA justified and appropriate, including in terms of the exercise of the DtC?
- (b) I note that LP paragraph 7.36 explains that Nuneaton and Bedworth Borough Council, within the CWHMA, are updating their Strategic Housing Land Availability Assessment to establish whether or not they will be able to accommodate the level agreed in the CWHMA memorandum of understanding. Is there yet an outcome? Does that have any meaningful effect for the LP?
- (c) Is the level of unmet need predicted to arise in the GBHMA to 2031 evidenced via the SGS consistent with that in the LP and SHMA? If not, why not? What is a robust assessment of likely housing needs arising in the GBHMA that would be unmet by 2031/2033?
- (d) What is the justification for the LP seeking to provide redistributed housing from the CWHMA and GBHMA in a 12.5%/ 87.5% proportion (540 and 3,790 homes respectively) compared to the 35%/65% split indicated in LP table 1?
- 3.8 In establishing the overall housing requirement, has appropriate account been taken of the wider economic context to NWBC, including HS2?

- 3.9 With regard to INSP2, is the LP policy aspiration to deliver 3,790 homes redistributed from the GBHMA robustly evidenced and consistent with the NPPF 2012? If not, how should it be modified?
- 3.10 As set out in NWBC2, the LP plan period is intended to be 2011 to 2033. Examination document CD8/13A sets out annual completions since 2011. The CS target was 175 dwellings annually (excluding 500 from TBC). INSP2 asks that NWBC produce a table setting out annual housing delivery over the last 15 years relative to the development plan target that applied in each. In that context what should the 5YHLS requirement be?
- (a) Is the shortfall of 593 dwellings in the LP accurate?
  - (b) LP paragraph 7.34 states that as the SHMA 'is based on up-to-date demographic evidence it takes account of need arising from shortfalls in delivery against previous targets'. That conflicts with the approach in examination document CD8/13A, where the accrued shortfall in delivery since 2011 is added to the baseline OAHN. Which approach accords with the PPG?
  - (c) Is there the need to take account of any 'backlog', i.e. under-delivery from earlier plan periods, or is that accounted for in OAHN?
  - (d) Has there been persistent under-delivery of housing to justify a 20% 5YHLS buffer in addition to addressing any shortfall?
  - (e) Is there any evidence to indicate that household formation rates may have been constrained by supply across the HMAs previously?
  - (f) Should any shortfall be addressed within the first five years of the plan in accordance with the PPG,<sup>7</sup> i.e. as part of the 5YHLS?
- 3.11 Is the windfall allowance of 60 dwellings a year set out in policy LP8 justified? Why does LP table 6 refer to planning applications rather than consents or completions?
- 3.12 What is the relevance of paragraph 9.67 of the Greater Birmingham Strategic Growth Study [CD8/23] which sets out that there is 'no effective potential' for additional housing supply beyond housing growth of 1.8% per annum? What is 1.8% per annum?
- 3.13 Are housing delivery monitoring arrangements in LP chapter 15 suitably detailed and robust?

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<sup>7</sup> Reference ID: 3-035-20140306.

## **Matter 4, Strategic approach, distribution of development and justification (including Sustainability Appraisal, 'SA')**

*Week 1, Day 3, position statements due by 1700 on 31 August 2018*

### *Introduction*

Individual sites will not be covered in this matter, but the overarching strategy, approach to distributing development and the evidence in support of it. The focus will be primarily on LP strategic objectives, policy LP2 in particular, and chapter 7 'Spatial strategy'. I will want to reflect on the Council's response to Q20 of INSP2, regarding the Sustainability Appraisal ('SA') underpinning the LP and whether or not it has been demonstrated that the plan strategy is justified, i.e. the most appropriate strategy, when considered against the reasonable alternatives.

### *Issues and questions*

- 4.1 Is the LP founded upon a spatial vision and strategic objectives which are effective and justified?
- 4.2 Has appropriate consideration been given to commuting patterns and redeveloping previously developed land in establishing the overarching spatial approach to development?
- 4.3 Would any areas of conflict arise between the spatial vision and strategic objectives of the LP relative to its policies arise? How could any be resolved?
- 4.4 Including in respect of its timing, and the consideration of growth options [CD6/6, CD6/7], was the sustainability appraisal process legally compliant [CD1/2]?
- 4.5 What reasonable alternatives to the plan strategy have been assessed via the SA, including to the housing requirement and aspiration in respect of GBHMA?
  - (a) Have reasonable alternatives to the plan strategy been defined distinctly?
  - (b) Has that assessment been in a comparable level of detail to the approach now advanced by the LP?
  - (c) Is it clear how assessments of the likely significant effects of the plan strategy in environmental, social and economic terms have influenced the LP?
- 4.6 Policy LP2 sets out the settlement hierarchy for the Borough, which seeks to broadly define where development should be located relative to the scale and role of settlements. It appears that the primary changes to the settlement hierarchy since the CS are the inclusion of Coleshill within the Green Belt as a market town, and allowing the expansion of towns abutting the boundary of NWBC's administrative areas. Is the settlement hierarchy justified and consistent with national policy?

- (a) I note examination document CD0/2A states that the hierarchy was effectively 'established through previous Local Plans and the adopted Core Strategy'. Is that accurate?
  - (b) NWBC set out in examination document CD0/2A that alternatives to the scale of housing growth proposed via the LPSP have been considered. Where has such consideration been undertaken? Have other options for levels of employment space also been assessed?
- 4.7 LP paragraph 1.7 explains that the settlement hierarchy is based on 'an assessment of the services, facilities and sustainability of the various assessments'.
- (a) Where is that assessment set out specifically?
  - (b) Is each settlement correctly categorised?
  - (c) Should Polesworth and Dordon be identified as separate settlements?
  - (d) Should Lea Marston be within category 4?
- 4.8 Is policy LP2 sufficient clear to guide decision-taking as to the quantity of development that each settlement is apportioned?
- 4.9 Is the approach to site allocations overly reliant on the allocation of larger sites to the detriment of supporting thriving rural communities?

## **Matter 5, Employment needs and requirements**

*Week 2, date TBC, position statements due by 1700 on 31 August 2018*

### *Introduction*

As with matter 3, this matter will cover establishing objectively assessed needs for employment space, including office, industrial and retail, and associated LP requirements. Development management elements of policies and the appropriateness of particular sites will fall to subsequent matters, although there will inevitably be some overlap given that the principal evidence in respect of matter 5 is from employment land reviews [CD8/6, CD8/7, CD8/8].

In a similar manner to housing, the PPG establishes that establishing employment needs should be based on the functional economic market area.<sup>8</sup> Requirements should be set with regard to such needs, refined via the application of planning policies and exercise of the Duty to Cooperate.

### *Issues and questions*

5.1 How does the LP requirement of providing 60 hectares of employment space to 2033 set out in LP paragraph 7.44 relate to the intended provision of around 100 hectares in policy LP6?

- (a) Is the intended provision of around 100 hectares in policy LP6 an aspiration in the same manner as housing provision related to the GBHMA [INSP2], i.e. that the actual amount is reliant on the provision of infrastructure?
- (b) If so, is that approach justified and consistent with national policy?
- (c) For effectiveness, should employment requirements be expressed in terms of floorspace?

5.2 Is the assessment of employment needs in support of the LP based on robust evidence [CD8/6, CD8/7, CD8/8 in particular]?

- (a) what is the functional market area? How has that influenced the plan's approach to assessing employment needs at a strategic level?
- (b) Is the approach to establishing employment needs in the LP consistent with the Local Enterprise Partnership Strategy?
- (c) Have employment needs been informed by the future influences of HS2 (including the Birmingham Interchange), Birmingham International Airport, and the Horiba MIRA Enterprise Zone?<sup>9</sup>

5.3 My attention has been drawn to various studies related to economic trends and prospective employment needs in the wider area.<sup>10</sup> What account has, or

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<sup>8</sup> Reference ID: 2a-007-20150320.

<sup>9</sup> I note that LP paragraph 12.18 explains that 'pressure for development around the new HS2 railway station at the NEC will be resisted'.

should, be taken of such studies in establishing employment needs and requirements in North Warwickshire?

5.4 With regard to the economic objectives in LP paragraphs 9.5 to 9.8 and CD8/8, which set out the inter-relationship between jobs and employment space figures, should a job number be set as an LP requirement?

5.5 Has the overall employment requirement in LP6 been established with appropriate regard to the Duty to Cooperate?<sup>11</sup>

5.6 Are the employment areas identified in policy LP12 'Employment Areas' appropriately evidenced? Are policies LP12 and LP11 'Economic Regeneration', which makes provision for release of employment allocations in certain circumstances, effective and consistent with national policy?

5.7 Are policies LP11 and LP13 'Rural Employment' justified and consistent with national policy which seeks to support a prosperous rural economy?

5.8 Is the approach in the LP to the provision of retail and other main town centre uses based on appropriate evidence, effective and consistent with the NPPF 2012?<sup>12</sup>

5.9 Have alternative levels or distributions of employment space provision been assessed, including any contribution from existing under-used sites or previously developed land?

5.10 Are LP requirements employment and homes suitably correlated? If not, precisely why not?

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<sup>10</sup> Including the Greater Birmingham Strategic Growth Study [CD8/23], two studies referenced in LP footnote 5, the West Midlands Combined Authority Strategic Economic Plan, the 'Hub Framework', the Midlands Connect Strategy, the Chamber of Commerce Strategy entitled 'Go for Growth' and the West Midlands Land Commission Report.

<sup>11</sup> Noting in particular that 2 hectares of land at Spring Hills has continued to remain in use as opposed to becoming available as previously anticipated, and with particular regard to engagement with Tamworth Borough Council and Lichfield District Council [CD5/3B, CD5/3, paragraph 3.5].

<sup>12</sup> With particular regard to policies LP21, LP22, and LP23, and to the neighbourhood centre of Coleshill (SLP134).

## **Matter 6, Planning and environmental constraints**

*Week 2, date TBC, position statements due by 1700 on 31 August 2018*

### *Introduction*

This matter will include consideration of landscape character, the Green Belt, Meaningful Gap, heritage, biodiversity, flooding and climate change at a strategic level. Relevant policies are therefore LP3, LP4, LP5 and those in LP chapter 10. The suitability of particular sites, or the application of such policies to managing development as opposed to guiding development strategically across the Borough, will fall to matters 9 and 10.

### *Issues and questions*

- 6.1 The vision for North Warwickshire in LP paragraph 4.6 includes respecting the rural character of the Borough. The NPPF 2012 sets out that planning should recognise the intrinsic character and beauty of the countryside and seek to protect valued landscapes. Is the North Warwickshire LCA report of August 2010 [CD7/1] an appropriate evidence base for establishing landscape character?
- (a) Considered overall, would LP policies including LP14 'Landscape' achieve the LP vision of ensuring that rural character is maintained?
  - (b) Where are any specific areas of conflict between LP policies?
- 6.2 Is the Coventry & Warwickshire Green Belt Study [CD6/9] robust evidence?
- (a) Have appropriate parcels of land been suitably and consistently assessed relative to the purposes of Green Belt set out in paragraph 80 of the NPPF 2012?
  - (b) Has CD6/9 has suitable regard to any other, subsequent, or wider strategic Green Belt studies?<sup>13</sup> Are its findings consistent with them?
  - (c) Noting LP paragraph 7.14, have exceptional circumstances been demonstrated to justify all alterations to the Green Belt?
  - (d) Have sustainable patterns of development been considered in the approach taken in the LP?
  - (e) Is safeguarding of land west of Tamworth Road, Kingsbury, for potential future development suitably justified, including being necessary to meet longer-term development needs well beyond 2033?
- 6.3 Noting the interaction with matter 4, have alternatives to release of Green Belt sites been considered, including the capacity of existing urban areas?
- 6.4 Whilst consideration of individual sites will fall to matter 9, is the broad extent of the Meaningful Gap robustly evidenced [CD6/10], and the intended

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<sup>13</sup> Particular reference has been made by representors to an April 2016 study and to the relationship of CD6/9 to the Greater Birmingham Strategic Growth Study [CD8/23].

application of associated policy LP5 justified? How does the purpose of the Meaningful Gap differ to that of the Green Belt?

- 6.5 Is the LP based on robust evidence related to heritage, and does it set out an appropriate and positive strategy for the conservation and enjoyment of the historic environment including related to the canal system (chiefly policy LP15)?<sup>14</sup>
- 6.6 Is the LP based on appropriate evidence and consistent with elements of the NPPF related to meeting the challenge of climate change, flooding and coastal change?<sup>15</sup>
- 6.7 In addition to consideration of the HRA and SA in matters 2 and 4, is the approach in the LP, policies LP16, LP17, LP18 and LP19 in particular, to protecting and enhancing biodiversity justified and consistent with national policy?<sup>16</sup>
- 6.8 Is policy LP20, Green Spaces, appropriately justified and effective?
- 6.9 How have planning and environmental constraints affected the level and distribution of development that the LP proposes to enable? Is the evidence for that balancing exercise clear and robust?

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<sup>14</sup> Noting in particular examination documents CD8/11, CD8/12, CD7/3, CD7/4, CD1/2 and the representations of Historic England (SLP341), the Lichfield Branch of the Inland Waterways Association (SLP9) and the North Warwickshire Heritage Forum (SLP31).

<sup>15</sup> With particular regard to the Strategic Flood Risk Assessment ('SFRA')[CD8/2] and to the position of the Environment Agency (SLP302).

<sup>16</sup> Representors have raised, in particular, the accuracy of reference to the Crannock Chase Special Area of Conservation and Alvecote Pools Site of Special Scientific Interest, and consistency of LP16 with the wording of the NPPF 2012 (SLP110, SLP314, SLP435).

## **Matter 7, Infrastructure provision**

*Week 2, date TBC, position statements due by 1700 on 31 August 2018*

### *Introduction*

Consideration will be given in this matter to whether the strategic approach in the LP is supported by robust evidence regarding associated infrastructure to enable timely delivery (including transport, social and green infrastructure). The detail of such provision in respect of individual sites, securing contributions in respect of applications, and localised effects will be for consideration later.

The vision and strategic objectives of the LP, alongside elements of policies LP1, LP6, LP7 underscore the importance of ensuring appropriate infrastructure provision. This matter is closely related to matter 8, viability and delivery (in respect of which examination document INSP2, Q19, asks the Council to clarify when updated viability evidence will be available).

### *Issues and questions*

7.1 Are infrastructure requirements to 2033 suitably evidenced, chiefly with regard to the Infrastructure Delivery Plan ('IDP')[CD0/4]?

- (a) Does the IDP accurately forecast infrastructure necessary to enable development proposed via the LP, including in respect of the timing of projects?
- (b) Are there any areas of uncertainty as to whether infrastructure would be forthcoming for whatever reason? If so, would the effectiveness of the LP be compromised?

7.2 Is the Strategic Transport Assessment ('STA')[CD8/18A] robust?<sup>17</sup>

- (a) How has the STA informed the prioritisation, costing and timing of infrastructure project?
- (b) Is the approach in the STA consistent with other strategic transport studies?<sup>18</sup>
- (c) Both in respect of the strategic and local highway network, how has the effect of transport infrastructure projects and of the LP in general been modelled? What are the outcomes of that modelling, including in respect of highway capacity and safety?

7.3 Is the LP based on suitable assessment of, and a positive strategy related to, infrastructure provision and timing of delivery in accordance with paragraphs 157 and 162 of the NPPF? Including in respect of policy LP1 and the following areas:

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<sup>17</sup> Noting in particular the representation of Highways England (SLP348), Transport for West Midlands (SLP382), and Warwickshire County Council (SLP319).

<sup>18</sup> Representatives have drawn my attention to Transport for West Midlands' Movement for Growth Strategy and 10 year delivery plan.

(a) utilities and communication provision,

(b) healthcare and education capacity,<sup>19</sup>

(c) open space and leisure provision.

7.4 Have cross-boundary implication of infrastructure been appropriately considered with regard to NPPF paragraph 31, including roadside facilities for motorists? Are there any uncertainties or unresolved issues?

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<sup>19</sup> Noting some concerns from representors regarding the absence of a Health Impact Assessment and existing capacity constraints at George Eliot Hospital.

## **Matter 8, Viability and delivery**

*Week 2, date TBC, position statements due by 1700 on 31 August 2018*

### *Introduction*

The PPG reinforces that understanding Local Plan viability is critical to the overall assessment of deliverability, and that plan-making should be based on a solid understanding of local economic conditions and market realities.<sup>20</sup> As with all other strategic matters, this matter relates to overarching evidence regarding delivery and viability rather than to individual sites.

Via NWBC2, the Council confirmed that the latest viability assessment related to the LP is dated March 2014, pre-dating the adoption of the CS [CD8/22], however that it is their intention to publish an update in July 2018 (Q19 of INSP asks for a precise date).

### *Issues and questions*

- 8.1 Is there appropriate evidence regarding viability, market conditions, and infrastructure funding to indicate that the level of development that the LP intends to enable would be delivered in practice?
- 8.2 What is the relevance of paragraph 9.67 of the Greater Birmingham Strategic Growth Study [CD8/23] which sets out that there is 'no effective potential' for additional housing supply beyond housing growth of 1.8% per annum? (NB this replicates an earlier issue in matter 4).
- 8.3 What is the relevance of paragraph 2.14 of the 2016 Employment Land Review [CD8/7] which sets out 'there are evident questions regarding the scale of development which can realistically be delivered'?
- 8.4 Are anticipated delivery trajectories suitably comprehensive and thorough, including to enable appropriate monitoring [NWBC10, NWBC10a, NWBC10b]? What assumptions have been made in respect of delivery trajectories and are these robust (including in respect of lead-in times, lapse rates, build-out speeds etc.)?
- 8.5 Is viability evidence in support of the plan based on reasonable assumptions reflecting the particular nature of the Borough?
  - (a) Have the full range of expected requirements been taken into account (including developer contributions)?
  - (b) what consideration has been given to mineral resources/ mine working in respect of viability or delivery in practice?
- 8.6 Has all necessary infrastructure provision been costed and timetabled? If not, would that compromise either deliverability or development viability?

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<sup>20</sup> Reference ID: 10-001-20140306.

8.7 What is the interaction between the Infrastructure Delivery Plan and NWBC's intention to progress Community Infrastructure Levy ('CIL) (LP paragraph 6.18)? What bearing would CIL have on viability and delivery?

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**Matter 9, Allocations and supply of land for development requirements**

*Week 3, timing TBC*

*Issues and questions to follow*

**Matter 10, Development management policies**

*Week 4, timing TBC*

*Issues and questions to follow*

*Reserve week depending on progress, to address:*

*(i) any issues arising during the course of examination,*

*(ii) discussion on how matters 9 and 10 relate to strategic matters in the light of hearings, and*

*(iii) any other matters not covered previously.*

*Issues and questions to follow.*

*Thomas Bristow*

INSPECTOR

18 July 2018