

North Warwickshire Local Plan Examination

Position Statement on behalf of IM Properties

Matter 1: The Duty to Co-operate

August 2018

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1. Introduction

- 1.1 This statement is submitted on behalf of IM Properties Development Ltd (IM Properties) to the North Warwickshire Local Plan Examination.
- 1.2 It follows representations submitted to the Draft Local Plan consultation in March 2017 and to the Draft Submission Local Plan consultation in March 2018 (hereafter referred to as the 'March 2017 representations' and the 'March 2018 representations' respectively).
- 1.3 IM Properties is a privately owned Midlands-based company located near Coleshill and has a strong track record for bringing forward high-quality developments across the region. It has invested £750m in development projects across the Midlands and has an investment portfolio of £900m alongside a £1bn residential land portfolio. IM Properties' record of working closely with local authorities on major developments includes Birch Coppice Business Park within North Warwickshire, which has been transformed from a disused colliery and developed to the highest standards of building design, park infrastructure, landscaping, amenities and management.
- 1.4 IM Properties also controls 70 hectares of land to the west of Junction 9 of the M42/M6 Toll, within North Warwickshire. The site was submitted to the Borough Council's Call for Sites in 2015, and provides an exceptional opportunity for a major new employment development to meet a well evidenced, significant and pressing need for strategic employment sites in this location.
- 1.5 The site is situated within the heart of the M42 corridor and benefits from excellent access to the strategic road network, proximity to labour supply and access to intermodal facilities. It can make a substantial contribution to the jobs, investment and growth agenda of the regions' Local Enterprise Partnerships (LEPs) and the West Midlands Combined Authority, and the wider objectives of the Midlands Engine Strategy.
- 1.6 Our March 2017 and March 2018 representations set out significant concerns with the emerging plan, and these concerns remain in respect of the submitted Local Plan (March 2018). The key issues which form the focus of our representations to the Examination are as follows:
 - The failure of the Plan to recognise the strong economic need for additional strategic employment land in the Borough to address the significant and growing unmet need and demand at a sub-regional level, and within the M42 corridor more specifically;
 - The spatial strategy which has been selected without first understanding the appropriate housing and employment needs to plan for, and which has been unduly influenced by seeking to protect the Green Belt, rather than a consideration of the most sustainable strategy for directing growth; and
 - Allied to our concerns above, the significant and substantive procedural shortcomings with the Sustainability Appraisal, including issues arising from the

failure to prepare a revised SA Scoping Report at the outset of the process, failure to carry out and consult upon an SA of the strategic Growth Options at the appropriate time, the failure to assess the preferred growth option and reasonable alternatives and the erroneous treatment of Green Belt as an environmental constraint.

- 1.7 This statement responds to Matter 1 of the Examination, and specifically sets out IM Properties' concerns that the Duty to Cooperate has not been satisfied whilst an approach to accommodating strategic employment land needs has not been agreed.
- 1.8 We have requested to appear at the Examination in respect to Matter 1.

2. Response to Issues and Questions

Q1.1 Has the LP been prepared in accordance with the DtC?

- 2.1 It is of significant ongoing concern that the Local Plan continues to fail to acknowledge the role that North Warwickshire should play in accommodating a recognised sub-regional need for additional employment land, and respond positively through the identification of additional strategic employment land provision.
- 2.2 The draft Plan and its underlying evidence base fail to acknowledge or define the extent of the Functional Economic Market Area (FEMA) in which North Warwickshire is located. This results in an assessment of need which is North Warwickshire centric, and does not address the implications of evidence prepared across sub-regional areas within which the borough is located which have consistently identified the need for larger than local strategic employment sites.
- 2.3 In addition, the existence of economic sub-markets with specific features which span the authority boundary has been ignored. In the context of the identified need for strategic large employment sites, this includes the M42 corridor which is recognised as being defined on the basis of its unique appeal to large-scale industrial occupiers. A significant part of the M42 corridor is within North Warwickshire, and the draft Plan recognises that ‘the Borough has historically been seen as a good place to be, particularly for logistics companies, due to its location’.
- 2.4 Notwithstanding this, the Local Plan states that “there are large scale sites coming forward in other areas such as Daventry, Market Harborough, North-West Leicestershire and South Staffordshire”, and “it is not therefore an issue that North Warwickshire needs to consider further” (paragraph 7.49).
- 2.5 NWBC’s Duty to Co-operate Statement [NWBC4] similarly doesn’t address the issue of strategic employment land, other than a reference at para 4.68, under North West Leicestershire heading which states:
- “Both local authorities lie within the “golden triangle” for warehousing and distribution. Sites are coming forward in NWLBC [sic] which are of a size and location which may have an impact on North Warwickshire in the future. This will be an issue that will be discussed further as part of the review of their Local Plan but is not far enough advanced to be considered in this Local Plan.”*
- 2.6 This dismissal of the issue of wider than local employment need must be considered in the context of the Examination of the adopted North Warwickshire Core Strategy. The Inspector’s report clearly identified a potential regional need for employment land which the adopted Core Strategy did not meet, but deferred this as a matter for the current draft Plan on the basis that insufficient regional evidence was available at the time.
- 2.7 Overall IM Properties consider that the Duty to Co-operate has not been satisfied in the absence of agreement between relevant authorities on how to accommodate strategic employment land needs. It is simply not appropriate to defer the issue again

to any subsequent review of the Local Plan, given the compelling evidence of significant need which still remains to be addressed some four years on from when the issue was acknowledged at the North Warwickshire Core Strategy Examination in 2014.

- 2.8 In addition to the above, IM Properties has raised concerns with the plan period and its alignment with emerging evidence base documents on cross-boundary matters.
- 2.9 The Duty to Co-operate Statement [NWBC4] makes reference to the Greater Birmingham HMA Strategic Growth Study [CD8/23] saying that:

"it is agreed between the signatory authorities that 3,790 dwellings is the maximum uplift in housing that could be accommodated in North Warwickshire Borough Council as supported by paragraph 9.67 of the GL Hearn / Woods Study which states: "The analysis in Table 63 shows that there are particular constraints to introducing further residential land supply in North Warwickshire, which is already planning in its emerging Local Plan to deliver housing growth of 1.8% pa. Given moderate house prices in the District and the very strong rate of housing delivery proposed, our analysis indicates no effective potential for additional supply to be brought forward in North Warwickshire.""

- 2.10 It is not clear whether this reference in the Strategic Growth Study is referring to market capacity in the period up to 2031. The 'East of Birmingham' option is almost certainly located within North Warwickshire, and is identified as a preferred option achieving the maximum score for deliverability. This suggests there is market capacity to accommodate further housing within North Warwickshire in the period up to 2036 (at least in the area East of Birmingham, if not the whole of the Borough).
- 2.11 As set out in our March 2018 representations, we consider the end date of the Local Plan should be adjusted to 2036 to align with emerging evidence base documents on cross-boundary matters.

Q1.2 Have appropriate strategic cross boundary matters been identified?

- 2.12 IM Properties does not consider appropriate strategic cross boundary matters have been identified.
- 2.13 Whilst the Duty to Co-operate Statement [NWBC4] makes reference to work on Strategic Employment Sites being commissioned by 'the three LEPs', it does not include any record of co-operation to addressing strategic employment land needs, in particular the need for strategic employment sites within the M42 corridor, which is a key strategic cross boundary issue as set out in response to question 1.1.

Q1.3 Have relevant local planning authorities and bodies prescribed in Regulation 4 engaged constructively, actively and on an ongoing basis?

- 2.14 There has been a distinct lack of engagement on the issue of strategic employment land between the relevant local planning authorities and bodies prescribed in Regulation 4.

Q1.4 What are the remaining areas of dispute between relevant bodies?

- 2.15 The Duty to Co-operate Statement [NWBC4] doesn't fully reflect the outstanding issues raised by CWLEP in its representations to the Regulation 19 consultation. The submitted response by the CWLEP reiterates that:

"...the Plan is issued at a time when the take up of employment land across the C&W sub region is at very high levels and the stock of allocated and available land sometimes called "oven ready" land is very small and continues to shrink. In North Warwickshire there are currently no major inward investment sites which could be categorised as oven ready and immediately available to the market. This should be a major concern to all"

- 2.16 In response to the Inspector's question on this matter [INSP1], NWBC stated [NWBC2]:

"The Borough Council will continue to work with CWLEP to address some of the issues raised. For example, we are working on a Market Signals Study to look at the amount and type of employment land compared to what companies are looking for. It is expected that this report will be available sometime over the summer. In addition, there is a 3 LEP Study (Greater Birmingham & Solihull, Black Country and Coventry & Warwickshire LEPs) looking at the provision of Strategic Employment sites. This later report will not be reporting until the end of the year."

- 2.17 IM Properties is concerned that further evidence is emerging at this late stage in the process, and maintain the view that the Local Plan should not be progressing without resolution between relevant parties on how to address strategic employment land matters.

Q1.5 What outcomes have resulted from the DtC?

- 2.18 A clear outcome arising from the approach to the Duty to Co-operate is the failure of the plan to acknowledge the role North Warwickshire should play in accommodating a recognised sub-regional need for additional employment land, and respond positively through the identification of additional strategic employment land provision.

Q1.6 Has exercising the DtC maximised the effectiveness of addressing strategic cross boundary matters?

- 2.19 Overall, NWBC has failed to produce a Plan 'based on joint working and co-operating to address larger than local issues' (paragraph 17 of the NPPF, 2012). The approach being taken will significantly undermine the economic potential of North Warwickshire and will not 'proactively drive and support sustainable economic development' (paragraph 17 of the NPPF, 2012).

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