

**Response by NWBC on the Matters, Issues and Questions
Phase 1, Strategic Matters**

Matter 2, Other legal compliance

2.1 Has the LP been prepared in accordance with the Statement of Community Involvement ('SCI')[CD5/2]?

2.1.1 NWBC considers it has prepared the Local Plan in accordance with the SCI. The SCI has categories of consultation and these are referred to in CD5/2. In addition, it has gone beyond the requirements and now uses social media to advertise events and consultations. It also sends notifications to those surrounding sites being proposed to be allocated in the Local Plan.

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)?

2.2.1 The various consultation periods are set out in the table below which is also contained in CD0/2:

| | Stage | Date |
|----|--|--|
| 1 | Core Strategy | Adopted 9 October 2014 |
| 2 | Draft Site Allocations - draft Pre-Submission version | 26 th June – 21 st August 2014 |
| 3 | Meaningful Gap Consultation CIL Draft Preliminary Charging Schedule | Thursday 29 th January – Thursday 12 March 2015. |
| 4 | Draft Development Management Plan – issues and options | 31 st May - 23 rd August 2012 |
| 5 | Development Management Plan Draft policies | 1 st October – 12 th November 2015 |
| 6 | Growth Options | April 2016 – various presentations and discussions through to Draft Local Plan |
| 7 | Draft Local Plan (Regulation 18) | Approved for consultation 3 rd August 2016 |
| 8 | Draft Local Plan (Regulation 18) | Formal consultation from 10 November 2016 to 31 March 2017 |
| 9 | Draft Submission Local plan (Regulation 19) | December 2017 to 16 March 2018 |
| 10 | Submission | March 2018 |

2.2.2 The Draft Local Plan (Regulation 18) was made available in August 2016 following approval at Board. Presentations were made at the Area Forum meetings and Parish

Council information events covering mainly the housing and employment numbers and sites. The formal period then started on 10 November 2016. The consultation period was extended for a further 6 weeks to ensure there was sufficient time for representations to consider the Sustainability Appraisal. It is considered that there was sufficient time for everyone to take account of all documents during the consultation period.

2.2.3 In terms of the Regulation 19 consultation this was also extended by an additional 6 weeks to take account of the following documents:

- Leisure Facilities Strategy
- Leisure Facilities Operational Review and Future Delivery Options
- Green Space Strategy
- Playing Pitch Strategy
- Supplementary Planning Document (SPD) on Planning Obligations for Open Space, Sport and Recreation
- Assessment of the Value of the Meaningful Gap and potential Green Belt Alterations
- Archaeology Assessment to inform the North Warwickshire Local Plan

2.2.4 A letter was sent to all those on the mailing list either by post or by email. In addition a letter went to all those who had made representations saying they could update their comments if they wished. A copy of the letter can be found at Appendix 1.

2.2.5 It is considered that sufficient time was given and further events were organised to ensure everyone had the opportunity to make representations.

2.2.6 Some representors have indicated that because Board reports were written and in the public domain that this means additional issues could not be addressed. However it is often the case that additional information comes to the attention of the Board before the decision is made. For example, the Planning and Development Board often gets additional information once the Board reports have been published. This is presented either verbally or through additional documents. In terms of the Local Plan Regulation 19 consultation reports were in the public domain prior to the closing of the extended consultation period. However, additional representations were made available to members prior to the board meeting and the report was reviewed to ensure that there was nothing in the representations that would have

changed the conclusion reached. There were a few representations that it was found to be missing so additional papers were handed out to members at the Board meeting. Members were therefore in possession of all of the information prior to making the decision to proceed with the submission of the Local Plan.

2.3 Have all interested parties had appropriate opportunity to comment on evidence supporting the LP?

2.3.1. Yes – as referred to above there were extensions to consultation periods of some 6 weeks. This allowed for further comments to be made.

2.4 Is the LP compatible with the Public Sector Equality Duty?

2.4.1 A Equalities Impact Assessment has been carried out in relation to the Local Plan. This was included in the Board Report for 22 March 2018 Executive Board Report. A copy has been attached to this paper as Appendix 2. It was determined that no further action was required.

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].

2.5.1 The HRA report that was submitted with the Local Plan (CD1/7) explains the process that has been undertaken in carrying out the HRA. The Local Plan was subject to HRA Screening and it was concluded that the Plan would have no likely significant effects on the majority of European sites included in the assessment, including the River Mease SAC, Ensor's Pool SAC, and Cannock Chase SAC. However, likely significant effects in relation to air pollution on the Cannock Extension Canal SAC could not be excluded on the basis of the available information; therefore these effects were subject to an Appropriate Assessment in line with the requirements of the Conservation of Habitats and Species Regulations 2010 as amended. The Appropriate Assessment concluded that the Local Plan would not have an adverse effect on the integrity of the Cannock Extension Canal SAC as a result of increasing air pollution, either alone or in combination with other plans and projects.

- 2.5.2 The HRA Report was subject to consultation with Natural England and the response received (SLP314) states that Natural England agrees with the conclusions of the report. Natural England did not raise any concerns relating to the legal compliance of the HRA process.
- 2.5.3 An Advice Note has been prepared by LUC for the Borough Council and was sent with the Borough Council's response to the Inspector's Additional Questions (CD: NWBC11). The note provides advice that the HRA report (CD1/7) is legally compliant taking into account the recent 'People v Wind' judgement where it was determined that mitigation should be considered only at the Appropriate Assessment stage, and not as part of the initial screening stage.

2.6 Is it clear how the findings of the HRA have influenced the LP?

- 2.6.1 The December 2017 HRA report for the Proposed Draft Submission Local Plan (CD1/7) describes the approach that has been taken to the HRA. As described above, the policies and site allocations in the Local Plan were subject to HRA screening and it was concluded that the Plan would have no likely significant effects on the majority of European sites identified during the assessment. However, likely significant effects associated with air pollution on the Cannock Extension Canal SAC could not be excluded and so these effects were subject to an Appropriate Assessment.
- 2.6.2 The Appropriate Assessment concluded that the Local Plan would not have an adverse effect on the integrity of the Cannock Extension Canal SAC as a result of increasing air pollution, either alone or in combination with other plans and projects. This conclusion was able to be reached on the basis of examining the available evidence, and it was not necessary for the HRA to make any recommendations regarding changes that should be made to the Local Plan in order to build in additional mitigation.
- 2.6.3 The HRA does not make direct reference to the Whitacre Heath Nature Reserve SSSI because the Conservation of Habitats and Species Regulations 2010 as amended do not require assessment of impacts on nationally designated sites, only European-level designations (SACs, SPAs and Ramsar sites). Whitacre Heath

Nature Reserve SSSI is not located within the boundaries of a European designated site.

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?

2.7.1 The Borough Council considers that the LP does contribute to mitigate and adapt to climate change. The Inspector's attention is drawn to the Borough Council's response to question 6.6 in Matter Paper 6.

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)?

2.8.1 The Borough Council believes that it has prepared the Local Plan taking in to account the requirements of the PCPA and of the Regulations including publication, advertising and notifications.

**NORTH WARWICKSHIRE BOROUGH COUNCIL
LOCAL PLAN EXAMINATION**



**North Warwickshire
Borough Council**

Appendix 1

Steve Maxey BA (Hons) Dip LG Solicitor
**Assistant Chief Executive
and Solicitor to the Council**

The Council House
South Street
Atherstone
Warwickshire
CV9 1DE

Switchboard : (01827) 715341
Fax : (01827) 719225
E Mail : planningpolicy@northwarks.gov.uk
Website : www.northwarks.gov.uk
This matter is being dealt with by
: Sue Wilson
Direct Dial : (01827) 719499
Your ref :
Our ref :

Date January 2017

Dear Sir / Madam

Consultation extended until 16 March 2018
Draft Submission North Warwickshire Local Plan Consultation (Regulation 19)

Further to my letter in December notifying you of the consultation on the Draft Submission Local Plan for North Warwickshire, I am writing to inform you that the above consultation has been extended. The closing date for all comments is now **Friday 16 March 2018**. Please ensure any comments are submitted by this date as any comments received after this date will not be considered.

Anyone who has already sent in a representation will be sent a separate letter with their unique reference number as they will be able to add or amend their representation, if required, by the above date.

The extended consultation allows for the consideration of additional information which has become available. This information includes:

- Leisure Facilities Strategy
- Leisure Facilities Operational Review and Future Delivery Options
- Green Space Strategy
- Playing Pitch Strategy
- Supplementary Planning Document (SPD) on Planning Obligations for Open Space, Sport and Recreation
- Assessment of the Value of the Meaningful Gap and potential Green Belt Alterations
- Archaeology Assessment to inform the North Warwickshire Local Plan

This evidence sits behind the Local Plan and will be available to view on the Council's website from close of play on Friday 2 February 2018 at www.northwarks.gov.uk/planningconsultations.

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These documents provide additional background evidence for the Local Plan. They have been made available for comment in relation to how they may impact on the Local Plan. The SPD once reported back to Members, will be used as the means of determining the contributions being sought from developers when they submit planning applications.

Please note that consideration of the options affecting Leisure Services within the Borough has been subject to separate consultations and it is only planning policy matters that are within the remit of the Local Plan consultation.

Further drop-in events will be held at the following locations:

| | | | |
|---------------|-----------------------------|-------------|-----------------------|
| Ansley Common | Nursery Hill, Ansley Common | 5 to 7 pm | Wednesday 28 February |
| Atherstone | The Council House | 5 to 7 pm | Monday 19 February |
| Coleshill | Coleshill Town Hall | 5 to 7 pm | Thursday 1 March |
| Dordon | Dordon Village Hall | 10 to 12 pm | Saturday 17 February |
| Polesworth | Tithe Barn | 5 to 7 pm | Thursday 15 February |

We will provide updates via the Council's website and use social media to advertise the above.

If you have any queries or require further information please do not hesitate to contact the Forward Planning team on 01827 719499/451 or email them on planningpolicy@northwarks.gov.uk.

Yours sincerely,

D M Barratt

Dorothy Barratt
Forward Planning and Economic Strategy Manager

Equality Impact Assessment Summary Sheet

Please complete the following table summarised from the equality impact assessment form. This should be completed and attached to relevant Board reports.

| | |
|------------------------------------|--|
| Name of Policy Procedure/Service | North Warwickshire Local Plan – draft submission |
| Officer Responsible for assessment | Dorothy Barratt |

Does this policy /procedure /service have any differential impact on the following equality groups /people

- (a) Is there a positive impact on any of the equality target groups or contribute to promoting equal opportunities and improve relations or:
- (b) could there be a negative impact on any of the equality target groups i.e. disadvantage them in any way

| Equality Group | Positive impact | Negative impact | Reasons/Comments |
|---|-----------------|-----------------|---|
| Racial | | | There is a policy which gives the site criteria by which planning applications for Gypsy and Traveller accommodation will be considered. |
| Gender | | | |
| Disabled people | Yes | | 10% of housing on large sites is required to be for special needs accommodation. The policy is flexible and not prescriptive on the exact nature of this requirement as there is a full range of disabilities that could be accommodated. The Borough Council will work proactively with developers to assess this in more detail at the time of a planning application. |
| Gay, Lesbian and Bisexual people | | | |
| Older/Younger people | Yes | | 1. A range of house types is being looked for throughout the Borough specifically to assist the young and older people. This will assist the young to remain in the Borough and to help people move into more suitable accommodation. 2. A range of house types will be more achievable on larger sites. 3. In addition there is a policy to improve walking and cycling which can be linked to improving health as well as providing an alternative mode of travel which is more cost effective. |
| Religion and Beliefs | | | |

**NORTH WARWICKSHIRE BOROUGH COUNCIL
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| | | | |
|---|--|--|--|
| People having dependents caring responsibilities | | | |
| People having an offending past | | | |
| Transgender people | | | |

If you have answered **No** to any of the above please give your reasons below

Please indicate if you believe that this document

Should proceed to further Impact assessment?

Needs no further action