

NORTH WARWICKSHIRE BOROUGH COUNCIL LOCAL PLAN EXAMINATION

Statement prepared by GL Hearn on behalf of Severn Trent Water Matter 4- Strategic approach, distribution of development and justification (including Sustainability Appraisal, 'SA')

Introduction

1. This position statement is prepared on behalf of Severn Trent Water by GL Hearn and considers specifically the land interests of Severn Trent (ST) located at Coleshill Sewerage Treatment Works (STW), which have previously been the subject of submissions relating to the review of the North Warwickshire Borough Council (NWBC) Local Plan. ST submitted representations to both Regulation 18 and Regulation 19. Our respondent number is **SLP442**. This statement should be considered in the context of the Document Ref: INSP5.
2. We note that in this context, we are referring to the proposed employment allocations, recognising that the main aspect of this session does relate to housing.

4.1 Is the LP founded upon a spatial vision and strategic objectives which are effective and justified.

3. The spatial vision can be found in Chapter 4 of the Submission version of the Local Plan. In terms of employment, it sets out that "*Employment generation will benefit local residents and ensure long lasting benefits to the Borough, including improved skills, reducing out commuting and regeneration of industrial estates where appropriate*". The keys in considering the employment allocation and delivery within North Warwickshire are the linkages between the levels of housing proposed in the Borough and the relationships to neighbouring authorities in terms of locations of employment. As set out in the vision, an aspect of the overall strategy for the Plan is to reduce out commuting and to promote the regeneration of existing industrial estates and land currently use for employment purposes.
4. The ability to reduce out commuting will be based on the amount and location of employment land that is allocated for delivery, the commercial attractiveness of that land and its ability to deliver jobs to divert employees that are currently commuting out of the Borough. Indeed, having regard to the future growth of the Borough, in terms of both housing and employment, failure to ensure that sufficient and easily accessible sustainable employment locations are allocated would lead to a continued further out commuting trend.
5. This is mirrored in the first strategic objective of the Plan "**To secure a sustainable pattern of development reflecting the rural character of the Borough**" (emphasis added). We recognise that development in sustainable locations is highly preferable to those in less sustainable locations and that locations that are close to both existing settlements, public transport interchanges and transport routes should be the focus for development in the future.
6. In addition, the third strategic objective is "**To develop and grow the local economy for benefit of local residents**" (emphasis added). The Local Plan sets out that this will be achieved through:

- providing new employment land;
 - improving infrastructure to support new development;
 - facilitating regeneration initiatives;
 - enabling local economic opportunities to benefit local residents;
 - protecting existing employment uses of buildings and land;
 - managing change within town centres so as to strengthen their vitality;
 - managing sustainable tourism where there is an economic and community benefit;
 - reducing the need to travel; and
 - reducing adverse environmental impacts
7. Having regard to the above, we find it hard to understand how the Local Plan meets these objectives without having had reasonable consideration to the allocation of the STW site in Coleshill, whilst other employment allocations are less sustainable than the ones promoted by STW.
 8. The Inspector will note the location of the STW Coleshill site, which is situated adjacent to existing industrial development and a train station and is requested to consider whether indeed the Plan is justified in not allocating this site whilst allocating less sustainable sites for employment purposes.
 9. Draft Policy LP40 refers to the four allocations for employment. In this case, we do not question allocations E1 and E4 as these are specific allocations relating to existing uses. However, in terms of the other two allocations (E2 and E3) we do consider that they do not perform as well as the STW Coleshill site in sustainability measures and would also not meet the wider strategic regional requirement for employment development.
 10. We also question whether, by failing to allocate this site, the methodology and assessment of site selection for allocation has been set and undertaken in a sufficiently robust process to be found sound. The resulting Local Plan is therefore questioned as to whether it will be effective and would be able to meet the vision and objectives set out.
 11. The Settlement Sustainability Assessment (CD6/3B) set out that Coleshill was set out as a market town in the Green Belt in the 2006 Local Plan, however, the Assessment's conclusion was that Coleshill should be considered within the first ranking settlement category, thus recognising that this location is the most suitable for the majority of development including employment allocations.
 12. The Greater Birmingham HMA Strategic Growth Study (CD8/23) identified that North Warwickshire was an appropriate location to consider for employment-led development to meet the wider development needs. In particular, land to the east of Birmingham, was identified as having the greatest potential for such development: "*A number of the Areas of Search perform well, as areas which are adjacent to train stations with a short journey time including the employment-led areas East of Birmingham around Coleshill where the nearest station is around 1.5km away and the journey time is only 15 minutes*" (paragraph 9.40).
 13. The Plan's strategic approach to the distribution of employment development fails to recognise this pattern of development or the requirement to identify land in sustainable locations.

4.2 Has appropriate consideration been given to commuting patterns and redeveloping previously developed land in establishing the overarching spatial approach to development?

14. GLH would argue that the Sustainability Appraisal (CD1/2) has not considered reasonable alternatives in this case, nor has it considered redeveloping previously developed land in the case of assessed land parcel DLP331 (page 915 of Appendix 8 to the SA).

15. It is our view that this element has been downplayed by the Council and that the correct approach to 'reasonable alternatives' has not been followed in the assessment of potential employment site allocations.
16. Whilst not wishing to criticise other employment allocations, it is clear that the failure to allocate STW's site, being the most sustainable employment site in Coleshill / Ham Hall with the ability to regenerate a partially derelict brownfield site in a high sustainable location, would have an adverse effect on the ability of the Council to reduce commuting, particularly when considering the use of the private car.
17. The general principle of employment development in the wider area is supported by STW, however, it is our view that the Council's assessment of sites in the area has not fully and adequately recognised the potential of the site, or the synergy it has with existing industrial estates and transport infrastructure, which thus affects the soundness of the wider Plan. The process of site selection, including SA, methodology and site assessment is objected to in terms of being inconsistent, not sufficiently robust and therefore flawed. This underpins an unsound plan.

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?**

18. The SA does not assess the STW site as a reasonable alternative. Page 915 of the Appendices to the SA sets out that the site (known as DLP331) is not being assessed due to "*Land not classed as Reasonable Alternative as site not immediately adjoining Development Boundary for Coleshill as site separated from adjoining development by railway line, main road transport corridors and/or significant water courses. Site also lies wholly within current Green Belt*".
19. We strongly consider that this assessment properly recognises the sustainable travel benefits of this potential employment site and thus questions the SA process in its entirety. The lack of the SA assessing the site is a significant weakness of the document, which brings into question the entirety of the assessment and the results of the SA. As such, it affects the entire soundness of the LP.
20. Whilst this session does not deal with individual sites, it is important to note and refute the assumptions made in the SA as part of the process, as this affects the spatial strategy and distribution of development in the LP.
21. In this particular site assessment example, it should be noted that there are several omissions within the site assessment, notably;
 - Firstly, the Site is surrounded by development on all sides and is adjacent to built development. There are no significant barriers between the Site and wider development as these are already bridged by various routes.
 - Secondly, the boundary of the Site is circa 200m from Coleshill Parkway and, as such, is one of the most sustainable locations for additional employment development in North Warwickshire. The failure of the SA to recognise this benefit, brings into question the underlying assumptions made by the SA and the ability of it to guide development to the right locations.

- Thirdly, it is recognised that the Site is within the Green Belt, however, this should not be a constraint that rules out the assessment of it within the SA. Indeed, as our evidence notes, the Green Belt Assessment considered that the Site should be removed from the Green Belt.
22. As such, we strongly contend that the SA baseline is faulty and has not considered the wider sustainability implications for employment allocation in the Borough. This failure of the SA has led to the Site not being considered as a 'reasonable alternative' when it plainly is such. The failure of the SA to assess the Site leads to wider soundness implications to the entire LP, which can only be rectified with its inclusion as an employment allocation within the LP.
23. This failure is a legal failure of the LP as the SA must consider all reasonable alternatives and the broad brush approach by the SA to exclude the site is not compatible with policy requirements.

The Planning Practice Guidance sets out (Reference ID: 11-017-20140306) that "Reasonable alternatives should be identified and considered at an early stage in the plan making process, as the assessment of these should inform the local planning authority in choosing its preferred approach". It continues (Reference ID: 11-018-20140306) "*The sustainability appraisal needs to compare all reasonable alternatives including the preferred approach and assess these against the baseline environmental, economic and social characteristics of the area and the likely situation if the Local Plan were not to be adopted*" and "*Reasonable alternatives are the different realistic options considered by the plan-maker in developing the policies in its plan. They must be sufficiently distinct to highlight the different sustainability implications of each so that meaningful comparisons can be made. The alternatives must be realistic and deliverable.*"

The sustainability appraisal should outline the reasons the alternatives were selected, the reasons the rejected options were not taken forward and the reasons for selecting the preferred approach in light of the alternatives. It should provide conclusions on the overall sustainability of the different alternatives, including those selected as the preferred approach in the Local Plan. Any assumptions used in assessing the significance of effects of the Local Plan should be documented".

24. It is our view that the SA has rejected reasonable alternatives as being unreasonable and thus not assessed them. Indeed, has the SA considered employment development at Coleshill as being a reasonable alternative, the distribution of employment allocations across North Warwickshire might have been very different and could have led to an alternative strategy.

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?

25. In terms of the designation of employment allocations, it is hard to reconcile the settlement hierarchy with the location of new employment, particularly when referring to the designation of Coleshill within the Green Belt.
26. What is being proposed by the Council is that the development boundaries of Coleshill will be north, east and south of the site, but the site (and wider employment development) would not be removed from the Green Belt.

27. Whilst we do not oppose, per se, the definition of Coleshill, the challenge here is whether alternatives have been considered and whether this designation has taken into account, and is based on the evidence base (most notably the Green Belt Study (CD6/9)).

28. The Site is identified as parcel CH8 in the Study. The conclusions of the Study are:

“we recommend that the lowest performing parcels of Green Belt, or parts of them, could be considered for removal from the Green Belt. These are...Parcels CH1 and CH8, which respectively contain significant areas of brownfield land and a large sewage treatment works. These pockets of urbanised countryside are also retained by significant boundaries which limit the potential for further sprawling ribbon development and inhibit the encroachment of the countryside beyond the parcel” (paragraph 5.7) (emphasis added).

In addition paragraph 5.8 of the Study notes that *“Development in significant proportions of these parcels would effectively be ‘infill’ and would be well contained by existing significant features and the landscape. In defining precise areas for removal, however, the local authorities should seek to minimise any harm to the remainder of the Green Belt by indicating the type of development (in terms of height and density) that would be acceptable in these location” (emphasis added).*

29. There are two failures of the Plan here. Firstly, the evidence base in relation to the potential Green Belt release has not been followed. This permeates to both the SA and LP which exclude the assessment of the site on this basis. Had the SA considered the Site for employment purposes (due to its highly sustainable location) and followed the evidence base on Green Belt, it would have inevitably concluded that the Site should fall within the settlement boundary of Coleshill within Green Belt and therefore be an alternative option for employment generating floorspace.

30. Had the SA and the LP considered employment development at Coleshill as a reasonable alternative, the distribution and quantum of employment allocations may have changed leading to the distribution of employment (and potentially housing) within the Plan being amended.

As such, the failure of both the LP and the SA to recognise this, has affected the effectiveness of the LP which in itself leads to a failure of the tests of soundness.

31. Conclusions

Matter 4 considers the strategic approach to development within North Warwickshire, particularly with reference to the SA, the strategic objectives and the settlement hierarchy.

In our response to the Inspector’s questions we have demonstrated that:

1. The SA has not assessed all reasonable alternatives;
2. The LP has the disregarded evidence base;
3. The LP will not be effective in meeting the vision and objectives; and
4. Subsequently, the LP fails the tests of soundness.

GL Hearn 30 August 2018