

Matter 4

**NORTH WARWICKSHIRE BOROUGH COUNCIL LOCAL PLAN EXAMINATION
STATEMENT ON BEHALF OF THE CHURCH COMMISSIONERS FOR ENGLAND – ID
SLP360**

PHASE 1, STRATEGIC MATTERS

Matter 4, Strategic approach, distribution of development and justification (including Sustainability Appraisal, ‘SA’)

Preamble

This Hearing Statement is made on behalf of our Client, the Church Commissioners for England, in advance of making verbal representations to Phase 1 of the Examination in Public into the North Warwickshire Local Plan.

Our Client is the majority landowner of ‘Land to the east of Polesworth and Dordon’ which has a draft allocation for housing under policy H7. Accordingly, our Client is keen to engage in the Local Plan examination process and assist in preparing a sound plan which is positively prepared, justified, effective and consistent.

Issues and questions

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

1. We do not have any specific comments to make in relation to this question but do nevertheless reserve the right to comment further on this in so far as it may affect our clients land east of Polesworth and Dordon (H7).

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

2. We do not have any specific comments to make in relation to this question but do nevertheless reserve the right to comment further on this in so far as it may affect our clients land east of Polesworth and Dordon (H7).

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?

3. We do not have any specific comments to make in relation to this question but do nevertheless reserve the right to comment further on this in so far as it may affect our clients land east of Polesworth and Dordon (H7).

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. The Growth Options for North Warwickshire [CD6/6] and the Sustainability Appraisal of Growth Options (June 2016) [CD6/7] formed the basis of the Sustainability Appraisal Report of the Draft Submission Local Plan (Regulation 19) [CD1/2], with information updated [CD1/2] as appropriate reflecting the evolution of the Local Plan. The Sustainability Appraisal (SA) process commenced in 2006 with the production of a Draft SA Scoping Report and has continued in parallel with the evolution of the Local Plan supporting the Growth Options for North Warwickshire [CD6/6] and the Local Plan Draft Submission (Regulation 19) [CD1/1] amongst other documents. The timing is considered legally compliant.
5. The Sustainability of Growth Option (June 2016) [CD6/7] and Sustainability Appraisal Report of the Draft Submission Local Plan (December 2017) [CD1/2] combine both a Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA). A review has been carried out of the Sustainability of Growth Options [CD6/7] and Sustainability Appraisal Report of the Draft Submission Local Plan [CD1/2] against the regulatory requirements associated with SEA Directive 001/42/EC; which is transposed in the UK by the SEA Regulations (Statutory Instrument 2004, No. 1633) and the Planning and Compulsory Purchase Act 2004 (see Appendix 1). As shown in the table at Appendix 1, the SA has generally met the requirements of the SEA Regulations and the Planning and Compulsory Purchase Act 2004. This includes the consideration and comparison of alternative growth options. Some parts of the assessment could be improved, and these points are summarised below. However, it is not considered that these shortfalls are serious enough to render the assessment non-compliant.
 1. Not all the objectives within other relevant plans and programmes are carried through to the Local Plan or SA with no reasoning provided.

2. The baseline data was dated (2007-2013), inconsistent and limited to the Local Plan area. More recent information in the zone of influence of the Local Plan (not limited to the Local Plan area) could have been used.
3. Although cross references are made to the Habitats Regulations Assessment (HRA) there is no reference in the SA to European Sites within the 15km study area (but outside of the Local Plan area).
4. There are limited explicit references to the duration of effects or whether there are secondary or synergistic effects.
5. Not all the Local Plan's objectives are directly reflected in the SA's objectives, although the missing ones are referred to elsewhere in the reports.

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?

6. The Sustainability Appraisal Report of the Draft Submission Local Plan (Regulation 19) [CD1/2] considers the following alternatives which have been distinctly defined:
 1. Growth Options - Five options for housing growth generated within the Borough (IN1-IN5) and five options to deal with growth from outside the Borough responding to unmet need from Tamworth (OUT1-OUT5) have been considered which resulted in a new pattern of housing growth being identified; which was based on a mixture of options - IN1, IN2, OUT1, OUT2 and OUT3.
 2. Development Management Policy Options – The development management policies in the Draft Submission Local Plan and Policies within the adopted Core Strategy.
 3. Site Allocation Options – Allocated residential and mixed-use sites, employment sites and open space sites and reasonable alternatives for allocation at the Draft Submission stage of the Local Plan preparation (November 2017).

7. Although different housing growth rates have been assessed during the evolution of the Local Plan and its supporting SAs, no alternative housing growth rates were assessed within the Sustainability Appraisal Report of the Draft Submission Local Plan (Regulation 19) [CD1/2]. It was considered that growth of 1.8% pa, which equates to the maximum housing being provided for within the Local Plan is realistically the maximum amount of growth that the market will be able to deliver within the Borough.
8. The level of detail in the SA is comparable to that available in the other Local Plan documents. The initial assessment of alternatives was carried out without mitigation measures but further information was provided later in the Sustainability Appraisal Report of the Draft Submission Local Plan (Regulation 19) [CD1/2] about mitigation and enhancement measures, where it was known.
9. The SA summarises the environmental, social and economic effects resulting from the alternatives assessed and explains where the assessment results have been used to inform the wording of the emerging Local Plan policies and provide reasoning on why sites have been allocated or are considered reasonable alternatives. However, as paragraph 2.16 of the Sustainability Appraisal Report of the Draft Submission Local Plan (Regulation 19) [CD1/2] states “it should be recognised that the SA findings are not the only factors taken into account when determining which option to take forward in a plan. Indeed, there will often be an equal number of positive or negative effects identified for each option, such that is not possible to ‘rank’ them based on sustainability performance in order to select a preferred option. Factors such as public opinion, deliverability and conformity with national policy will also be taken into account by plan makers when selecting preferred options for their plan”.

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?

10. North Warwickshire’s Settlement Sustainability Assessment January 2010 [CD6/3B] demonstrates the sustainability of each settlement based on the services and facilities contained within each. This assessment has informed the categorisation of settlements in the hierarchy, which we consider to be correct and justified.

11. The Settlement Sustainability Assessment demonstrates that the Market Towns of Atherstone with Mancetter, Polesworth with Dordon, and Coleshill contain the largest range of services and facilities, which qualifies their place as category 1 settlements in the hierarchy. Taken together it is noted that Polesworth and Dordon score 98 points, which places them as the second most sustainable place across the Borough.
12. In respect of both plan-making and decision-taking, one of the core planning principles of the NPPF 2012 at paragraph 17 states that ‘planning should take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.’
13. Paragraph 55 of NPPF also states that ‘to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.’

The settlement hierarchy supports development proportionate to the size and scale of different settlements across the Borough. It guides the distribution of development inside the development boundaries of the Market Towns in the first instance and protects the Green Belt. The hierarchy also promotes small scale development in rural areas, termed as ‘other settlements’.
14. Having regard to the above, the settlement hierarchy is considered to be justified and consistent with national policy.
15. We note that the Settlement Sustainability Assessment is dated 2010 and consider it may benefit from an update.

(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?

16. Whilst the settlement hierarchy in Policy LP2 continues to guide the distribution of development towards Market Towns in the first instance, there are primary changes to the settlement hierarchy comparative to that in the Core Strategy. These changes comprise

inclusion of Coleshill within the Green Belt as a market town, and allowing for the expansion of towns abutting the boundary of the Borough.

17. Further, the Sustainability Appraisal of Growth Options June 2016 [CD6/7] tested 5 options for growth generated from within the Borough and 5 options to deal with growth from outside the Borough. Only one of these options replicated the hierarchy established through the adopted Core Strategy.

18. Thus, it is considered that the proposed hierarchy in Policy LP2 has been established and is justified in its own right.

(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?

19. We do not have any specific comments to make in relation to this question but do nevertheless reserve the right to comment further on this in so far as it may affect our clients land east of Polesworth and Dordon (H7).

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?

20. The assessment is set out in the North Warwickshire Settlement Sustainability Assessment January 2010 [CD6/3B].

(b) Is each settlement correctly categorised?

21. We consider the Settlement Sustainability Assessment correctly categorises the settlements of Polesworth and Dordon. Taken together these settlements score 98 which makes them the second highest scoring settlement below Atherstone. The score is reflective of the range of services and facilities that are present, and this level of sustainability warrants their categorisation as a Market Town.

(c) Should Polesworth and Dordon be identified as separate settlements?

22. No. The settlements of Polesworth and Dordon physically adjoin and there is no indistinguishable boundary between the two. Given their geographical relationship to one another and the provision of services and facilities, combined with allocation H7 which would act a single extension to both areas, we consider that Polesworth and Dordon should be treated as a single settlement.
23. The proposed policy guiding development at allocation H7 includes the provision of further services and facilities, which would further strengthen Polesworth and Dordon's status a Category 1 settlement.

(d) Should Lea Marston be within category 4?

24. We do not have any specific comments to make in relation to the above question but do nevertheless reserve the right to comment further on this in so far as it may affect our clients land east of Polesworth and Dordon (H7).

4.8 Is policy LP2 sufficient clear to guide decision-taking as to the quantity of development that each settlement is apportioned?

25. No. Policy LP2 is clear that development will be distributed in accordance with the settlement hierarchy. However, the policy is less clear on how the housing requirement translates numerically across each settlement or category of settlement. The Plan's housing allocations are set out in Policy LP39. We consider cross reference with Policy LP39 would provide the clarity required over the quantity of development at Policy LP2.

4.9 Is the approach to site allocations overly reliant on the allocation of larger sites to the detriment of supporting thriving rural communities?

26. We do not consider the allocation of sites, as set out in Policy LP39, is to the detriment of supporting rural communities. Of the 27 allocated sites in the Local Plan, 13 are allocated in Category 3 and Category 4 settlements, comprising a range of sites sizes from 7 dwellings

(H16) to 450 dwellings (H20). This is considered to provide a healthy range of sites across rural communities. A similar number of sites are allocated in Category 1 and Category 2 settlements (14), which also comprise a healthy range from 7 dwellings (H12) to three urban extensions at H2, H7 and H13.

27. In terms of number of dwellings, 1,385 are to be provided across rural settlements and local service centres, representing 20% of housing supply. Almost 60% of the total allocations are in Category 1 settlements, reflecting the size and range of services and facilities available at these locations. This represents a healthy mix of site sizes, which provides opportunities and attractive options for small through to major housebuilders. We therefore consider the Local Plan provides a balanced mix of sites that is consistent with the settlement hierarchy and is not overly reliant on larger sites.

28. The distribution of 2,000 dwellings to the settlement of Polesworth with Dordon as a result, is consistent with the hierarchy, and provides opportunities for new development to 'tie in' with existing development, services, facilities and infrastructure, whilst also being of a scale that can provide additional infrastructure to strengthen Polesworth with Dordon.

APPENDIX 1

SA Review

**Review of the Sustainability Appraisal of North Warwickshire Local Plan -
Regulatory Compliance**

	Compliance	Notes/Recommendations
<i>The SA report dated December 2017 has been reviewed against the SEA Regulations and requirements of the Planning & Compulsory Purchase Act 2004 on SA .</i>	Key	
		Meets requirements
		Generally meets requirements but some concerns present
		Potential for challenge. Does not meet requirements
SEA Regulations, Regulation 12 and Schedule 2 - Contents of Environmental Report		
1. An outline of the contents and main objectives of the plan or programme, and of its relationship with other relevant plans and programmes.		Chapters 1 and 3 of the SA Report set out the contents and main objectives of the plan and of its relationship with other relevant plans and programmes with further information provided in Appendix 2. Not all the objectives from the other relevant plans and programmes were carried through to the implications on the Local Plan or SA with no reasoning provided as to their exclusion.
2. The relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme.		Chapter 3 includes Table 3.1, which summarises the baseline environment and likely evolution in the absence of the Local Plan. Further details on the baseline is provided in Appendix 3. The majority of the statistics in Appendix 3 are dated (2007-2013) therefore more recent information (projections if data is not available) should have been used. Appendix 3, Chapter 6 and the NTS states there is no AQMA and yet one has been declared at Coleshill and is referred to in Chapter 4. The data is only provided for the Local Plan area and does not consider a wider study area which could be affected by the local policies and site allocations.
3. The environmental characteristics of areas likely to be significantly affected		As above.
4. Any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Council Directive 79/409/EEC on the conservation of wild birds(a) and the Habitats Directive.		As above. Cross reference is made to the final Habitats Regulations Assessment (HRA), which has been published alongside the SA for consultation in December 2017. There are no European Sites within the Local Plan area and there is no reference in the SA to European Sites within the 15km study area outside of the Borough referred to in the HRA even where the HRA refer to uncertainty of effects resulting from the Local Plan policies. Therefore this is not considered to be sufficient and the final report should include a summary of the HRA and refer to the European Sites included in the HRA.
5. The environmental protection objectives, established at international, Community or Member State level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation.		Chapter 3 and Appendix 2 summarise the environmental protection objectives established at International, Community or Member State level. However the objectives are not fully transferred to the implications on the Local Plan or SA.

<p>6. The likely significant effects on the environment, including short, medium and long-term effects, permanent and temporary effects, positive and negative effects, and secondary, cumulative and synergistic effects, on issues such as—</p> <p>(a) biodiversity; (b) population; (c) human health; (d) fauna; (e) flora; (f) soil; (g) water; (h) air; (i) climatic factors; (j) material assets; (k) cultural heritage, including architectural and archaeological heritage; (l) landscape; and (m) the inter-relationship between the issues referred to in sub-paragraphs (a) to (l).</p>		<p>The likely effects on all topics are described in Chapters 4, 5 and 6 and Appendices 5, 7 and 9. There are however limited explicit references to the duration of effects or whether there are secondary or synergistic effects. Information has been provided on cumulative effects in Table 6.10 in Chapter 6 and is considered satisfactory.</p>
<p>7. The measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme.</p>		<p>Chapters 4 and 5 consider the effects without mitigation, which is the worst case. Chapter 6 provides information on measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment. Further information supporting the three chapters is provided in Appendices 5, 7 and 9.</p>
<p>8. An outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information.</p>		<p>The SA Report (in Chapters 2, 4 and 5 and Appendix 8) and preceding interim reports provide an audit of why sites have been discarded or taken forward following appraisal. Chapter 2 of the SA Report provides information on difficulties encountered in compiling the required information.</p>
<p>9. A description of the measures envisaged concerning monitoring in accordance with regulation 17.</p>		<p>Chapter 7 of the SA Report deals with the approach taken to monitoring. There is no information on what the monitoring data would be compared with. The baseline information provided in Chapter 3 of the report is dated and would not be entirely suitable as a comparison. Chapter 2 acknowledges that the monitoring is to be addressed after the Local Plan is adopted.</p>
<p>10. A non-technical summary of the information provided under paragraphs 1 to 9</p>		<p>A Non-Technical Summary is provided alongside the SA Report, December 2017 providing a non-technical summary of the process and its findings.</p>

Planning & Compulsory Purchase Act 2004 - Section 19 Requirements for SA

Stages from Planning Practice Guidance Paragraph: 013 Reference ID: 11-013-20140306.

PPG paragraph references provided below, where relevant.

A Setting the context and objectives, establishing the baseline and deciding on the scope

Identifying relevant policies, plans and programmes		See comments above under SEA Regulations point 1.
Collecting baseline information		See comments above under SEA Regulations point 2.
Identifying environmental and sustainability issues		See comments above under SEA Regulations point 4.
Identifying appraisal objectives		It is clear from the SA Report how objectives have been identified.
Consulting on the scope of the appraisal		The required consultation has been undertaken for the SA Report. Consultation on the scope of the SA commenced in 2006 and has been carried out for each full SA report.

B Developing and refining options and assessing effects

Testing the Plan objectives against appraisal objectives		The SA and Plan objectives are broadly consistent. However, the Plan's objectives: to maintain and improve the viability of the Market Towns; to promote rural diversification; and to establish and maintain a network of accessible good quality Green Infrastructure, open spaces, sports and recreational facilities do not appear to be directly reflected in the SA's objectives. They are however covered in the SA Report's later chapters.
Developing and refining the alternative options for the plan Paragraph: 018 Reference ID: 11-018-20140306		As set out under SEA Regulations point 8 it is considered the assessment of alternatives for strategic residential and employment locations is adequate.
Predicting and evaluating the significant effects of the options and alternatives		As set out under SEA Regulations point 8 it is considered the assessment of alternatives for strategic residential and employment locations is adequate.
Considering ways of mitigating adverse effects and maximising beneficial impacts		See comments above under SEA Regulations point 4.
Proposing measures to monitor significant effects Paragraph: 025 Reference ID: 11-025-20140306		See comment under SEA Regulations point 9.
C Preparing the Sustainability Report - Including the SEA Requirements		The SA report includes signposting to demonstrate where the document incorporates the requirements of the SEA Regulations (Table 1.1). The key topics have been included and considered. Some parts of the assessment could be improved, as explained in this review, however the deficiencies are not considered sufficient to render the assessment non compliant.
D. Seek representations on the SA report from consultation bodies and the public Paragraph: 020 Reference ID: 11-020-20140306		The SA report and the SA Scoping Report have been issued to statutory consultation bodies and the public. The reports explain the previous rounds of consultation.
E. Post adoption reporting and monitoring Paragraph: 025 Reference ID: 11-025-20140306	N/A	To be completed after the Plan has been adopted.

Inspectors questions		
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]?		The sustainability appraisal generally meets requirements although there are some shortfalls including the use of dated baseline information, exclusion of international and national objectives, lack of explicit description of secondary and synergistic effects, a lack of explicit description of the duration of effects (see above). There are no deficiencies that would deem the assessment non compliant.
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?		The plan considers alternative locations for development as well as the allocated housing and explains why some sites have been excluded from the site allocations. The SA Report also considers the option of continuing with the Core Strategy rather than adopting the new local plan.
(a) Have reasonable alternatives to the plan strategy been defined distinctly?		As set out under SEA Regulations point 8 it is considered that the assessment of alternatives for the plan strategy is adequate.
(b) Has that assessment been in a comparable level of detail to the approach now advanced by the LP?		Yes although a lot of the baseline data is dated and should be replaced, which could affect the outcome of the appraisal.
(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?		Yes. The evolution of the Local Plan and the SA is provided in Chapters 2, 8 Appendices 4 and 8 of the SA Report. None of the policy changes between the Core Strategy and the latest Local Plan were specifically made as a result of the SA. Table 6.16 summarises the recommendations made previously in the SA relating to Draft Local Plan (February 2017) and NWBC's response.

