

North Warwickshire Local Plan Examination
Statement of Common Ground Between Stoford Developments Ltd (SLP335), JVH Town Planning Consultants Ltd (SLP390/SLP448) and Oxalis Planning Limited (SLP428)

31st August 2018

1. This Statement of Common Ground has been prepared to set out the areas of agreement between the above landowners and developers who have interests in North Warwickshire Borough. This is with specific reference to the provision of land for large scale B1c/B2/B8 development and in particular the need for the immediate release of sites along the M42 through the Draft North Warwickshire Local Plan which is the subject of Examination Hearings starting on 25th September 2018.
2. Each of the landowners and developers has submitted representations to the Regulation 19 version of the Local Plan, which was consulted on until 16th March 2018, expressing concern in this regard and questioning the legal compliance and soundness of the Plan. Each signatory maintains that land should be allocated now to meet the identified wider than local employment need. However, in the event that the Local Plan does not identify land for this, a criteria-based policy is considered an appropriate means of facilitating land coming forward to meet the identified need for wider than local employment. The principle of this policy has been discussed with the Council and Officers have indicated their willingness to agree to the principle of such an approach, however it has not yet been possible to agree the detail.
3. However the landowners and developers do not wish to derail unnecessarily the adoption of the Local Plan but wish to work constructively with the Council and assist the Inspector in finding a pragmatic solution which ensures the Local Plan facilitates development to meet larger than local employment needs, that is by agreeing an additional policy to be taken forward by way of a Main Modification to the Local Plan.
4. There is agreement between the landowners and developers in the following areas:
 - a. The Council's Core Strategy (adopted October 2014) considered wider than local employment need but deferred the matter to the current Local Plan¹.
 - b. There is substantial evidence at West Midlands Combined Authority (WCMA) and Local Enterprise Partnership (LEP) level of the need for economic and job growth within both the region and North Warwickshire².
 - c. The 2015 Peter Brett Associates and JLL Report 'West Midlands Strategic Employment Sites Study' identifies the M42 corridor where the boundaries of Birmingham, Solihull, North Warwickshire and Tamworth converge (as demarcated as 'Area A' on Figure 4.10 within the Study) as the area of highest need and demand for large-scale industrial floorspace³. A significant amount of the M42 corridor within Area A is within North Warwickshire Council's administrative boundary.
 - d. A substantial body of evidence suggests that need and demand for industrial / commercial land is far outstripping supply in this area⁴.

¹ Main Modification 42 and resultant paragraph 7.35 of the adopted Core Strategy

² WCMA's Strategic Economic Plan (SEP) and three individual LEPs' SEPs and West Midlands Land Commission Final Report (2017)

³ Paragraph 4.71 of West Midlands Strategic Employment Sites Study, Peter Brett Associates and JLL

⁴ Including paragraph 4.90 of West Midlands Strategic Employment Sites Study, Peter Brett Associates and JLL; and paragraph 5.20 of the West Midlands Land Commission Final Report

- e. Evidence also supports the role that commercial / industrial development will contribute to the vision for economic growth within the West Midlands⁵.
- f. The Council’s Local Plan identifies the locational advantages of the Borough in delivering economic growth through ‘wider than local need for large sites’⁶.
- g. The Phase 2 West Midlands Strategic Employment Sites Study is expected to cover at least the three LEP areas in the West Midlands and this will be coordinated by Staffordshire County Council. This may offer additional evidence about potential development locations for wider than local employment need, but the timeframe for its publication is uncertain. An early Local Plan Review may be required to reflect this evidence.
- h. Given the uncertain timing of the Phase 2 Study and the Local Plan Review, and the immediacy of the existing supply, need and demand position, an appropriate, pragmatic and proper response to these issues is the development of a bespoke policy to be added into the submitted Plan. This is set out below and is based on policy development in response to the same issue in the adjacent local planning authority area of North West Leicestershire as now reflected in its recently adopted Local Plan (see appended extract from Inspector’s report).

5. Draft policy for inclusion in the Local Plan Main Modifications as follows:

"Where evidence demonstrates an immediate strategic or local need or demand for additional employment land (B1, B2 and B8) in North Warwickshire that cannot be met from land allocated in this plan, the Council will consider favourably proposals that meet that need or demand, subject to the proposal:

- Being located in the area of highest demand for industrial/commercial uses, i.e. between junctions 6 and 11 of the M42, as demarcated as Area A on Figure 4.10 of the West Midlands Strategic Employment Sites Study (or as subsequently defined within the Phase 2 Study following its publication); and
- Being in close proximity to M42 junctions and being able to demonstrate suitable access to the strategic highway network (M6, M42 and A446) and an acceptable impact on the capacity of that network; and
- Being accessible or capable of being made reasonably accessible by a choice of means of transport, including sustainable transport modes, as a consequence of planning permission being granted for the development; and
- Not being detrimental to the amenities of any nearby residential properties or the wider environment.

Meeting these criteria will carry significant weight in decision taking, including in the consideration of whether very special circumstances exist which warrant the granting of planning permission for development in the Green Belt"

Signed

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⁵ The WMCA SEP Sectoral Analysis Appendix identifies ‘logistics and transport technologies’ as a ‘transformational sector’; economic benefits of logistics sector are identified from paragraph 2.21 of the West Midlands Freight Strategy (Dec 2016)

⁶ Paragraph 7.49 of the Submission Version of the Local Plan



The Planning Inspectorate

Report to North West Leicestershire District Council

by B J Sims BSc(Hons) CEng MICE MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date 12 October 2017

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the North West Leicestershire Local Plan

The Plan was submitted for examination on 4 October 2016

The Examination hearings were held between 5 and 16 January and 21-22 March 2017

File Ref: PINS/G2435/429/4

modelling to tabulate deliverable affordable housing percentages for an 11-dwelling archetypal site, applied throughout the whole District, for both previously developed and greenfield land.

179. The Viability Addendum shows that a 30 per cent affordable contribution should be viable for all greenfield sites of 11 dwellings or 1,000sqm or more of floor space, except in the main Coalville urban area, where only 20 per cent is expected to be viable.
180. However, the Viability Addendum equally demonstrates that nowhere is a contribution of more than 15 per cent viable on brownfield sites, even for sites of up to 30 dwellings or below 1ha. This applies only to Ashby de la Zouch and Measham. In all other settlements, brownfield sites of that capacity could evidently only support up to a 5 per cent affordable contribution.
181. With those rates and thresholds in place, Policy H4 would provide a balanced and effective basis for securing appropriate affordable housing contributions, without undue recourse to costly and time-consuming, scheme-specific viability assessments and negotiations.
182. The revised figures need to be transposed into Policy H4, with commensurate revision to its supporting text, in order for the Plan to make adequate and effective provision for affordable housing contributions from new development. Further, the qualification in the table to Policy H4 that the percentage contributions are a minimum requirement is inappropriate and reduces the clarity of Policy H4 as a basis for negotiation when this does become necessary. These amendments are achieved by **MMs 30-31**, which are required for the Plan to be sound in this respect.

Main Issue 5 – Employment Land Supply

Does the Plan make effective provision for an adequate supply of Employment Land?

183. It is concluded in connection with Main Issues 1 and 2 that the Strategy of the Plan is sound and its overall employment land requirement justified. The question of soundness to be addressed with respect to the supply of employment land is whether the Plan provides for the delivery of the requisite amount and appropriate type of employment sites to secure the land supply required for the Plan period.
184. The methodology and results of the HEDNA, compared with the evidence supporting the submitted Plan, caused the Council to review the numerical supply provisions of the Plan for employment sites, with reference to the respective needs for commercial and industrial Classes B1 and B2 sites and for small storage and distribution Class B8 sites, under 9,000sqm. In the HEDNA, the latter are distinguished from strategic Class B8 sites.
185. The revised evidence of the Council is that the current supply of land for Class B1, B2 and small B8 sites, including the 16ha Money Hill allocation, is some 53ha. This would indicate a shortfall of 13ha compared with the requirement identified by the HEDNA of 66ha.

186. The submitted plan included an allowance for loss of land in all employment Use Classes of 45ha. The Council revisits this figure with reference to its recorded actual losses of Class B1, B2 and small B8 land from 1991 to 2016 of some 1.28ha per year. Repeated over the remaining 15 years of the Plan period, this would add a further 19ha to the shortfall. At the same time, there is evidence that employment sites in those classes with remaining potential for non-employment use now total only about 10ha. On this basis, it would be reasonable to assume a likely shortfall of the order of 23ha and no more than 32ha in any event.
187. According to the Council, the total employment land supply of the Plan, including the SRFI, is 291ha, equivalent to 37 per cent of the total FEMA requirement identified by the HEDNA. Previous evidence supporting the submitted Plan excluded the SRFI from the supply but it is now appropriate to include it, in line with the approach of the HEDNA. Some 30ha is committed with planning consent and the new Money Hill allocation adds 16ha to the potential supply, with some flexibility of use between the several components of Use Class B.
188. This quantitative evidence is questioned by Representors, including with respect to the amounts of residual land remaining available on established employment sites. The figures are presented for all Class B uses and do not compare directly with the results of the HEDNA. However, it is claimed that there is some 50ha less employment land in the supply than the Council considers to be the case.
189. Of particular concern is the Lounge Disposal Site in Ashby de la Zouch where a potential 25ha of developable employment land could be reduced by the construction of HS2 rail line through its western part. Nevertheless, there is evidence of development interest in a substantial part of the site. The total loss of this site from the supply is therefore unlikely.
190. Another substantial site in question is at Sawley Crossroads, where some 14ha is subject to permission to extend storage use by the existing user. It appears reasonable to include this residual land in the total employment land supply.
191. Overall, the numerical evidence of the Council on the current employment land supply is robust.
192. However, Representors also question whether, irrespective of overall quantity, the Plan provides for a sufficient range of sites in size and location. These concerns are justified with respect to the degree of flexibility afforded by the Plan and the recognition of the strategic importance of the M42 corridor in relation to distribution across the wider transportation network.
193. The Council therefore now proposes **MMs40-41** to add a second clause to Policy Ec2 and expand its supporting text on New Employment Sites. This is to provide an appropriate level of flexibility in the choice and location of employment sites, including within the M42 corridor, in response to evidence of need or demand and subject to transport and amenity considerations. The Council also proposes, by way of **MMs32-39**, to revise the Plan text and Policy Ec1 on current Employment Provision and Permissions to reflect the foregoing circumstances. An additional amendment to Table 5 within the Plan

text is appropriate to clarify that the figure for committed employment sites now refers only to Class B8 sites up to 9,000sqm.

194. These modifications are appropriate and necessary for soundness. With them in place, the employment land supply within NWL would appear, in broad terms to be such that the claim of the Council that there is no urgency to resolve the identified shortfall by way of specific allocations carries some merit.
195. On the other hand, the supply of Class B1, B2 and small B8 sites is strictly inadequate for the Plan period as a whole. However, the Plan proceeds on the justified premise, taking account of national guidance, that early review must take place in terms of Policy S1, as amended by MM9, in respect of unmet housing and employment needs from elsewhere in the HMA. MM41 makes a further appropriate textual cross-reference to early review. That being the case, it is acceptable to regard the provisions of the Plan for employment land as sound in their proposed modified form.
196. In a further addition to Policy Ec2, also included within **MM40**, again in response to justified representations, the Council proposes to require a Masterplan to be provided for the strategic Money Hill allocation, prior to the first development taking place. As in the case of the housing provision within this allocation, this is necessary to secure an appropriately comprehensive approach to the development of such a large site.
197. Finally, with respect to employment land, **MM42** makes a small but important amendment to Policy Ec4 by supporting growth of the East Midlands Airport, provided such development gives rise to a material increase in its capability, as opposed to its mere capacity, as currently stated.

Main Issue 6 – Other Policy Provisions

Environment, Heritage and Climate Change

198. Policies En1-4 and 6, HE1-2 and CC1-3 provide a suite of protective measures related to the environment, heritage and climate change. These are broadly consistent with the NPPF, without inappropriately repeating national guidance, but give rise to specific areas of concern as follows:

Areas of Separation and Local Green Space

199. AoSs are considered in relation to Policy En5 above in connection with Main Issue 1, Strategy.
200. Local Green Space (LGS) is a protective designation, defined in paragraphs 76-78 of the NPPF, for local and neighbourhood plans to apply to open spaces that do not comprise extensive tracts of land and are special to local communities. The Council considers the identification and protection of valued LGS is best left to NPs. Meanwhile, Policies IF3 and S3 would provide protection from development to valued open spaces respectively within settlements and in countryside areas.
201. NP preparation has not progressed far in NWL and local Representatives are understandably concerned that the NP making process can be protracted.