

# **NORTH WARWICKSHIRE LOCAL PLAN EXAMINATION**

## **PHASE 1, STRATEGIC MATTERS**

### **MATTER 6 – PLANNING & ENVIRONMENTAL CONSTRAINTS**

**ON BEHALF OF RICHBOROUGH ESTATES (SLP430)**



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**PLANNING** | **DESIGN** | **ENVIRONMENT** | **ECONOMICS**

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## 1. INTRODUCTION

- 1.1 This statement has been prepared by Pegasus Group on behalf of Richborough Estates who has land interests within North Warwickshire Borough. This statement provides a response to Matter 6 and should be read in conjunction with representations submitted to the Draft Submission Local Plan **[CD1-1]**. Richborough Estates' interest relates to land off Packington Lane, Coleshill, land off Blythe Road, Coleshill and land off Birmingham Road, Water Orton.
- 1.2 Richborough Estates wishes to provide no further written submissions in respect of questions 6.4, 6.5, 6.7 and 6.8.

## 2. PLANNING & ENVIRONMENTAL CONSTRAINTS

**6.1 The vision for North Warwickshire in LP paragraph 4.6 includes respecting the rural character of the Borough. The NPPF 2012 sets out that planning should recognise the intrinsic character and beauty of the countryside and seek to protect valued landscapes. Is the North Warwickshire LCA report of August 2010 [CD7/1] an appropriate evidence base for establishing landscape character?**

**(a) Considered overall, would LP policies including LP14 'Landscape' achieve the LP vision of ensuring that rural character is maintained?**

- 2.1 Richborough Estates consider that overall the policies of the LP would not achieve the LP vision of retaining and reinforcing the rural character of North Warwickshire, as the spatial distribution of housing apports the majority of housing growth to settlements located within the north-eastern part of the Borough, and many housing allocations are on land which is currently open countryside. It is therefore the case that in concentrating housing growth in these areas this would have a disproportionately significant effect on the rural character of these parts of the Borough, contrary to the vision that the Council is seeking to achieve.
- 2.2 It is considered that the Council has sought to protect areas of Green Belt within the Borough at the expense of the wider rural area. It is of note that the NPPF sets out five purposes of Green Belt, and these do not include the value of the landscape concerned. There is therefore a dichotomy between the vision of the LP and the proposed spatial distribution of housing within the LP. Releasing further land from the Green Belt to address housing needs would mean that the rural character of non-Green Belt areas would be able to be better retained and

reinforced to a far greater degree and the growth of the Borough delivered in greater accordance with the overall vision for the Borough.

**(b) Where are any specific areas of conflict between LP policies?**

- 2.3 Policy LP2 sets out the settlement hierarchy for North Warwickshire, with the hierarchy reflecting the sustainability of settlements. However, it is clear that the approach followed by the Council to the apportionment of housing to settlements within this hierarchy, as set out in Policy LP39, is at odds with the settlement hierarchy. By directing a large proportion of housing growth to settlements beyond the Green Belt and by focusing rural housing development and supporting facilities on a network of Local Service Centres, the LP will actually deliver a less sustainable strategy, which will distort the settlement hierarchy of North Warwickshire Borough.
- 2.4 One example is Coleshill, where, despite being a Category 1 Settlement, the LP at Policy LP39 only allocates 95 dwellings to be developed here within the Plan period. With the other Category 1 settlements of Atherstone & Mancetter and Polesworth & Dordon being allocated 1,859 and 2,071 dwellings respectively, the housing apportionment for Coleshill clearly demonstrates the stark contrast between how the other Category 1 Settlements are dealt with compared to the equally sustainable settlement of Coleshill and the conflict between Policy LP38 and LP2.
- 2.5 Another example of this conflict within the LP can be evidenced in the case of Water Orton. This settlement has excellent transport links and a good level of services and facilities, making it one of the most sustainable of the Local Service Centres. It is noted that this is not, however, reflected within the level of development that is proposed to be allocated to Water Orton within Policy LP39, with only one housing allocation of 48 dwellings being proposed through the redevelopment of the existing primary school site. Given the sustainability credentials of Water Orton, as evidenced in our representations to the publication LP, and the fact that other less sustainable settlements are proposed to deliver a greater level of development, this apportionment is completely at odds with the spatial strategy and demonstrates clearly that Policy LP39 is in conflict with the settlement hierarchy set out in Policy LP2.
- 2.6 The consequences of the Council not addressing this situation in the LP, through the release of further Green Belt land at Coleshill, will be to prevent any further

development and thus any economic growth, throughout the Plan period at this settlement, and significantly compromise Coleshill's status as Category 1 settlement. As well as leading to the unsustainable distribution of trips and a lack of modal choice for future residents of the Borough.

## **6.2 Is the Coventry & Warwickshire Green Belt Study [CD6/9] robust evidence?**

### **(a) Have appropriate parcels of land been suitably and consistently assessed relative to the purposes of Green Belt set out in paragraph 80 of the NPPF 2012?**

- 2.7 Richborough Estates note that the Coventry & Warwickshire Green Belt Study **[CD6/9]** identifies 59 parcels and three broad areas falling wholly or partly within North Warwickshire. However, it is considered that even these 59 parcels are relatively extensive areas of land and that the Study therefore takes a 'broad brush' approach, which is not fit for purpose. This does not allow for assessment of the intricacies of smaller parcels of land within the Green Belt, and the local context which defines them; even when it is clear precisely which areas are being promoted for growth and the opportunities for mitigation on offer.
- 2.8 It is contended that to inform the choice of sites for future development allocations the Council should be assessing smaller, individual parcels of land relative to the purposes of the Green Belt and thus this report does not in fact assess 'appropriate' parcels of land. It is debateable as to the extent that the broad brush Green Belt Study can inform development options when looking at individual land parcels. Of course, looking at individual parcels is exactly what the Borough Council needs to do when assessing land as future development allocations.
- 2.9 In addition, it is considered that there are inconsistencies in how the Green Belt study assesses parcels of land relative to the purposes of Green Belt set out in paragraph 80 of the NPPF 2012. For example, with regard to land off Birmingham Road, Water Orton, which is contained within the much larger parcel WO3, when considering the purpose of Green Belt in checking the unrestricted sprawl of large built-up areas, the parcel is considered by the Study to play a significant role in preventing the westwards sprawl of Water Orton along the northern and southern edges of Birmingham Road. However, this contrasts with the assessment for parcel WO4, a much smaller parcel of land, which the study considers makes a limited contribution to this purpose and is given a much lower score in this regard.

It is contended that in comparing such vastly different land areas against each other, the Study is inconsistent and that the findings do not provide a robust evidence base on which to prepare a sound LP.

**(b) Has CD6/9 had suitable regard to any other, subsequent, or wider strategic Green Belt studies? Are its findings consistent with them?**

- 2.10 It is noted that the Greater Birmingham HMA Strategic Growth Study **[CD8/23]** considers, amongst other options, broad growth locations which would require a formal review of Green Belt, through the Local Plans of the relevant authorities. The strategic Green Belt Review contained within the Strategic Growth Study uses a more qualitative approach to identify the relative contribution of Green Belt to its policy purposes, in contrast to the Coventry & Warwickshire Green Belt Study, which uses a quantitative scoring and ranking approach.
- 2.11 Furthermore, the neighbouring authority of Lichfield District has also adopted a qualitative approach to identify the contribution of areas of Green Belt relative to its policy purposes, using a system which categorises parcels of land as having a 'minor', 'moderate' or 'important' role in a far more simplified and more understandable assessment, than that utilised by the Coventry & Warwickshire Green Belt Study.
- 2.12 In addition, there is a lack of consistency between the findings of the Coventry & Warwickshire Green Belt Study **[CD6/9]** and the consideration of Green Belt within the Strategic Growth Study **[CD8/23]**. For example, the Strategic Growth Study identifies locations within the Green Belt as 'Areas of Search' for new development, including two within the North Warwickshire portion of the West Midlands Green Belt. In this respect the Strategic Growth Study notes that the Areas of Search identified include areas which make a 'Principal Contribution to Green Belt purposes' and states at paragraph 18.134 that:

*"their early exclusion could mean a significant missed opportunity for achieving a balanced planning outcome across the study area".*

- 2.11 The Strategic Growth Study goes on to note that in taking forward any Areas of Search, sustainability considerations should be applied. This is clearly not the case in the LP and it is therefore contended that in not adopting a similar approach the Coventry & Warwickshire Green Belt Study cannot be considered a robust piece of evidence. To rectify this issue with the evidence base it is considered that the

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Council should undertake a further, more detailed assessment of smaller parcels of Green Belt land to inform allocations within the LP.

**(c) Noting LP paragraph 7.14, have exceptional circumstances been demonstrated to justify all alterations to the Green Belt?**

- 2.13 Richborough Estates contend that the release of Green Belt land is justified to ensure the distribution of growth in a sustainable manner and to satisfy local needs. This exact point has been recognised by a number of recent Examination Inspector reports, these being: the Warwick Local Plan September 2017; the Cheshire East Local Plan July 2017; and the Lichfield District Local Plan Strategy February 2015.
- 2.14 There is also a consensus amongst the neighbouring authorities surrounding North Warwickshire that the release of Green Belt land is required to secure sustainable patterns of growth. For example, this is illustrated through the 'Black Country Core Strategy Issues and Options Paper', relating to Dudley, Sandwell, Walsall Council and the City of Wolverhampton Council.
- 2.15 NWBC also recognise that there is a need for the release of Green Belt land, demonstrated by the limited releases referred within the LP. However, Richborough Estates contend that such limited release of Green Belt land is insufficient, and the Council fails to identify the exceptional circumstances specifically in respect of the extension to Langley SUE and the school site in Water Orton.
- 2.16 Accordingly, the exceptional circumstances that warrant the further release of Green Belt land are:
- i. It would allow for the necessary growth in Coleshill and Water Orton in respect to market and affordable housing to meet local housing needs and control localised affordability issues;
  - ii. It would provide an opportunity to redress the current settlement strategy, which promotes unsustainable patterns of growth;
  - iii. The only realistic means of achieving further growth in Coleshill is through the release of Green Belt land. Being that national policy directs that this should only be done through local plan reviews, the Council is, in effect, seeking to prevent any further development in Coleshill until 2033. This

would effectively sterilise any further development at this settlement and prevent any further economic growth, meaning that Coleshill's status as Category 1 settlement will be significantly compromised; and

- iv. The retention of Green Belt would lead to unsustainable modes of transport being used, by directing growth to unsustainable locations that would unnecessarily increase trip generation and also have an adverse impact upon air quality.

2.17 With around 60% of North Warwickshire lying within the Green Belt, it is the case that opportunities for growth are significantly restricted by Green Belt outside of the LP process. However, Richborough Estates consider that the release of Green Belt land in the exceptional circumstances outlined above, is entirely logical and necessary.

**(d) Have sustainable patterns of development been considered in the approach taken in the LP?**

2.18 The approach taken in the submitted LP to the spatial distribution of housing is one of directing housing growth to areas beyond the Green Belt and therefore primarily to the north east of the Borough, with only a small number of dwellings allocated to the southern area of the Borough. There is clearly a fundamental mismatch between this proposed spatial distribution and the settlement hierarchy identified in the Local Plan; and the delivery of nearly 40% of the housing requirement being targeted to meeting unmet needs from Birmingham – located to the south west of the Borough.

2.19 It is clear that the Council has sought to avoid the release of Green Belt land at the cost of sustainability. A number of local plan examinations which have dealt with this issue have clearly demonstrated that Green Belt should not be utilised as a barrier to providing sustainable patterns of growth, and that exceptional circumstances to justify Green Belt land release are clearly demonstrated where the land is well related to sustainable settlements, whose needs cannot be met on Green Belt land. A report by Richborough Estates on 'Exceptional Circumstances and the Achievement of Sustainable Development' was included as Appendix 6 to our Representations to the Publication LP and can be provided if requested.

2.20 It is contended that the approach taken by NWBC will result in an unsustainable pattern of growth across the Borough through the creation of an imbalance in the concentration of residential and employment development. This will lead to an

increase in travel to work distances, as demonstrated by the Transport Appraisal produced by PTB Transport Planning Ltd, which was appended to our Representations to the Publication LP, and which can be provided if requested. In addition, the resulting travel patterns, will also have a negative effect on air quality.

- 2.21 Lack of housing development in the southern areas of the Borough, will deprive key settlements, such as Water Orton, of housing growth. This in turn will compromise their ability to meet local housing need, future economic growth and deny these communities the social benefits associated with the provision of further housing, such as new and enhanced transport, education and leisure infrastructure provision, possibly leading to less sustainable settlements. Again, evidence was submitted that accompanied our Representations to the Publication LP.
- 2.22 Paragraph 84 of the NPPF is explicit that local authorities should consider the consequences for sustainable development of channelling development towards locations beyond the outer Green Belt boundary. Clearly the consequences in North Warwickshire's case would be to create patterns of unsustainable development, rather than sustainable patterns of development, not consistent with the guidance of national planning policy and failing the test of soundness in this respect.

**(e) Is safeguarding of land west of Tamworth Road, Kingsbury, for potential future development suitably justified, including being necessary to meet longer-term development needs well beyond 2033?**

- 2.18 It is noted that Kingsbury is defined as a Category 3 Settlement within the LP, but that Policy LP4 gives no justification for the safeguarding of land in this location. As this is the only area of land proposed to be safeguarded, it is the case that the LP therefore ignores consideration of other higher order settlements within the hierarchy, such as Coleshill, which is a Market Town and classed as a Category 1 settlement. Coleshill is a sustainable settlement where development is constrained within the Submitted LP and by not identifying safeguarded land, this constraint will continue beyond the Plan period.

**6.3 Noting the interaction with Matter 4, have alternatives to release Green Belt sites been considered, including the capacity of existing urban areas?**

- 2.19 It is acknowledged that the Council have maximised the capacity of their existing urban areas in allocating sites for development within the LP and have therefore considered alternatives to the release of Green belt sites. However, Richborough Estates remain of the opinion that the proposed distribution of housing development is not in line with the settlement hierarchy of Policy LP2 and that opportunities remain to consider the release of land from the Green Belt around sustainable settlements in accordance with the settlement hierarchy.

**6.6 Is the LP based on appropriate evidence and consistent with elements of the NPPF related to meeting the challenge of climate change, flooding and coastal change?**

- 2.20 The NPPF is clear that to support the move to a low carbon future, local planning authorities should plan for new development in locations and ways which reduce greenhouse gas emissions (paragraph 95). It is however, contended that the proposed spatial distribution of development that the LP sets out, will in fact encourage less sustainable travel patterns, contrary to the guidance of the NPPF. In allocating housing sites beyond the Green Belt, it is considered that this will promulgate increased reliance on car-borne travel and longer journey to work times.
- 2.21 Whilst the submitted LP at Appendix C includes a list of evidence base documents, it appears that the LP has made very little reference to these. However, Richborough Estates have produced Transport Appraisals in support of their land interests within North Warwickshire, which demonstrate that these sites on the edge of sustainable settlements, closer to the conurbation, would in fact reduce reliance on non-sustainable forms of travel, and thereby giving the opportunity to meet the challenge of climate change to a great degree. As well as being well-related to Birmingham, where circa 40% of the housing requirement is emanating from.

**6.9 How have planning and environmental constraints affected the level and distribution of development that the LP proposes to enable? Is the evidence for that balancing exercise clear and robust?**

- 2.22 Richborough Estates consider that NWBC have applied the planning constraint of Green Belt too inflexibly in their approach to the distribution of housing development. As has been set out above, given the need for housing in the Borough, the unsustainable patterns of growth that would result from the Council's

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proposed spatial strategy, and the increased trip generation and adverse effect on air quality that would consequently arise, it is strongly recommended that the Council should consider Green Belt release around the sustainable settlements of Coleshill and Water Orton, in line with the Settlement Hierarchy of the Local Plan.

- 2.23 Furthermore, Richborough Estates contend that the balancing exercise between the planning and environmental constraints and the selection of the housing allocations is not clearly evidenced and not clearly justified within the LP. Indeed, it is considered that the Council's evidence in relation to Green Belt, contained within the Coventry & North Warwickshire Joint Green Belt Study **[CD6/9]**, is inconsistent, inadequate and flawed in its methodology and approach. Consequently, it is considered that in relying on this piece of evidence, the Council has submitted a Local Plan which is not justified, not effective and not consistent with national policy and therefore is not considered to be sound.