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# FREETHS

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**STATEMENT OF REPRESENTATION FOR THE EXAMINATION IN  
PUBLIC HEARINGS : NORTH WARWICKSHIRE BOROUGH COUNCIL**

**MATTER 6: PLANNING AND ENVIRONMENTAL CONSTRAINTS**

**PREPARED ON BEHALF OF HALLAM LAND MANAGEMENT LTD**

**AUGUST 2018**

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## 1. INTRODUCTION

- 1.1. This Statement is prepared by Freeths LLP on behalf of our client Hallam Land Management Ltd (“HLM”) and is submitted as evidence as part of the examination into the North Warwickshire Local Plan..
- 1.2. This Statement relates to Matter 6 of the ‘Phase 1 Matters, Issues and Questions’ note prepared by the Inspector and forming the basis of the Examination Hearings. No comments are submitted in respect of Questions 6.1-6.3 and 6.5-6.9.

## 2. QUESTION 6.4 – MEANINGFUL GAP

- 2.1. HLM has consistently submitted an objection to Policy LP5 throughout the Local Plan process and this is documented in our Regulation 19 submission.
- 2.2. We consider that the proposed extent of the Meaningful Gap (“MG”) is not robustly evidenced and there are a number of significant flaws to the methodology behind its proposed boundaries. It is not deemed necessary to repeat HLM’s entire case on this matter which is set out in full in our two Regulation 19 submissions on this policy, the second of which reflects on the document entitled ‘Assessment of the Value of the Meaningful Gap and Potential Green Belt Alterations (January 2018) (“the MG 2018 report”)’ However in summary we consider that the evidence is not robust for the following reasons:
- i) The evidence base lacks substantive technical evidence on which to make reasoned judgements. This has been a criticism throughout the process and this concern was endorsed by the Inspector in Appeal Decision 3136495<sup>1</sup>. The introduction of the MG 2018 report to attempt to justify the proposed MG designation fails to address this deficiency. Paragraph 7.30 of the Local Plan states “*a detailed technical study has been carried out to look at the area and to determine where the detailed boundaries should be drawn.*” This is inaccurate. The technical study prior to the drafting of the Local Plan was not ‘detailed’ and the MG 2018

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<sup>1</sup>Paragraph 26

report, though again lacking qualitative analysis was published post the Submission Draft of the Local Plan.

- ii) The MG 2018 report starts the assessment from a basis of a series of established parcels and fails to assess wider context including combining parcels of land together.
- iii) The report concentrates on the dimensions of the MG. There is no landscape character assessment or assessment of visibility. No analysis on urban form or settlement pattern/character exists. Specific judgements are flawed. We are deeply troubled that Parcel 3 is deemed to have no urbanising influences, when it is immediately adjacent to the M42. Further, in earlier evidence documents, the Council has stated “*Areas 3 and 4 are considered to currently operate less as Meaningful Gap, more simply as open countryside with significant landscape sensitivity.*”<sup>2</sup>
- iv) Throughout all the MG evidence documents there is no appraisal of whether mitigation of development could result in an acceptable impact on the MG.

2.3. HLM consider that the formal designation of a MG boundary is not justified and has not been appropriately evidenced. The proposed designation of the MG boundary fails the ‘justified’ test in respect to paragraph 182 of the NPPF (2012). Our Regulation 19 submission demonstrates how an extension to proposed allocation H13 would not harm any MG and would assimilate with existing built development to the south. Whilst we disagree with the approach adopted in the MG 2018 report, which concentrates on dimensions of the MG, it is noteworthy that our scheme does not erode this distance.

2.4. Question 6.4 also asks how the purpose of the MG differs to that of the Green Belt. Paragraph 7.31 of the Plan states of the MG “*its purpose is clear in that it is to maintain the gap, both visually and in landscape terms between the urban areas of Polesworth, Dordon and Tamworth.*” The policy itself does not preclude any specific type of development and requires that the separate identities of Polesworth and Dordon and Tamworth be maintained. In short it appears to be based on and limited to preventing coalescence. Whilst this forms part of the

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<sup>2</sup> Paragraph 9.5 of January 2015 MGA

purpose of the Green Belt, the five purposes of the Green Belt are much wider in scope than the MG, as defined by paragraph 80 of the NPPF (2012) and there is no equivalent national policy for strategic gaps.

- 2.5. To this end in considering applications within the MG, which is of course open countryside, the LPA and any decision maker could take into account the desire of preventing coalescence as part of proposal based on the individual circumstances of that particular case and as such a rigid definitive MG boundary is not considered justified.