

**NORTH WARWICKSHIRE BOROUGH COUNCIL LOCAL PLAN EXAMINATION
STATEMENT ON BEHALF OF STOFORD DEVELOPMENTS – ID SLP335**

MATTER 6 – PLANNING AND ENVIRONMENTAL CONSTRAINTS

Barton Willmore are instructed by Stoford Developments Ltd in connection with their land interests at two sites south of Coleshill: (1) Land at Brickhill Farm and (2) Land at Stonebridge Road and their promotion for employment development through the North Warwickshire Local Plan.

Our Statement below addresses the need for the draft Plan to identify additional land or provide another suitable mechanism to meet wider than local employment needs.

Issues and questions:

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?

1. No. The policy should be supported by more up-to-date and robust evidence. This needs to account for proposed development such as HS2 and its associated infrastructure and the impact this will have on landscape character, which in turn would provide a more credible basis for deciding where future development should go.

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

2. The policy does not take account of the urbanising features to the south west of the Borough which already exist (e.g. the motorway and strategic road network, Coleshill and employment areas) but also future development such as HS2.

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

3. The relationships between employment, landscape and Green Belt policies has not been addressed. Further, the Plan has not properly assessed the M42 corridor as a development alternative (see below).

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

4. Some of the parcels which have been assessed are drawn widely and so the assessment of Green Belt value is inevitably broad brush, so fails to identify effectively constraints and opportunities at a more local level. For instance, Parcel CH7, which our client's land at Brickhill Farm falls within, is extensive and stretches from Brickhill Farm at the south, all the way along the west of Coleshill to the industrial area to the north. A finer grained approach, certainly in this area, is necessary to provide a robust assessment in light of its immediate and wider context, taking into account the surrounding existing and future physical development.

(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?

5. See above. The reasons for the differences in parcel size are unclear and, further, have consequences for the assessment's findings. Some locations (which may not be suitable for development for other reasons) have been assessed as smaller parcels (e.g. AN1, AN2 etc) whereas the M42 corridor (which is known to be in demand as a development location) is assessed as expansive parcels. This results in an inconsistent approach to assessment of some areas within specific parcels, for instance our client's land within CH7.
6. Further, and by way of illustration, the parcel north of Hams Hall (CH1) has a low overall score, partly through the defensible boundary of the railway to the north. However, the major road network appears to attract less weight in assessments of the larger parcels around the M42, including CH7. Parcel CH6 adjacent to CH7 does recognise the boundaries of the M6 and M6 Toll and this results in a smaller parcel. For reasons of consistency, we consider that the Brickhill Farm site, which is enclosed entirely by existing major roads, should be subject to its own assessment against the purposes of the Green Belt.

7. An additional issue with the assessment of CH6 is that it is claimed that ‘with the exception of one low-lying outbuilding within the grounds of St Edwards Primary School, the parcel is free from development and urbanising influences, and open.’ In contradiction of this, the criteria within Table 3.2 acknowledges that the Review’s methodology should include roads lined with street lighting as an urbanising influence. The assessment of Parcel CH7 similarly underplays the urbanising influence of the M42 on openness and so the assessment is inconsistent.

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

8. No. CD6/9 predates the Greater Birmingham HMA Strategic Growth Study [CD8/23] and therefore does not take account of its merit as an important element of the evidence base on Green Belt. CD8/23 concludes that the area around our client’s land interest does not form part of any strategic separation¹. Whilst it acknowledges there are strong senses of separation and clear tracts of (relatively) open countryside remaining between road corridors, the parcels (NE17, NE18 and NE19) are demarcated by the strong boundaries of the M6 and M6 Toll and this contributes to a perception of severance and containment. As the Strategic Growth Study suggests, this requires individual assessments of the Green Belt at a finer grain. The Council therefore ought to be taking a more focused approach to contained parcels of land here, particularly given the issues we have raised in our response to Matter 4 regarding the need to look at alternative strategic options.

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

9. The only exceptional circumstances for alterations to the Green Belt put forward in the submitted Plan relate to the relocation of the school site at Plank Lane due to HS2. This acknowledgment that the development of HS2 provides exceptional circumstances should be noted in consideration of other policies and proposals of the Plan and especially with regard to strategic employment land.

¹ Page 42 of the Strategic Growth Study Appendix.

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

10. No. As noted elsewhere in our Matter Statements, there is a clear need for wider than local/strategic employment land in the M42 corridor (i.e. the area of highest demand). The Council has not considered the need, opportunities or benefits of this as a strategic growth option.

11. Further, it would be an incorrect approach to put Green Belt ahead of the achievement of sustainable development. This is the view taken by the Inspector in his report into Lichfield City Council's Local Plan Strategy. This report is appended, but for ease of reference the relevant paragraph 200 reads as follows:

“However, I can find no justification in the Framework, in Planning Guidance or indeed in the case of I M Properties for the proposition that Green Belt land should be released only as a last resort. This would be to accept that sustainability is the servant of Green Belt designation - which it is not. On the contrary, as has already been established, the duty in determining Green Belt boundaries is to take account of the need to promote sustainable patterns of development.”

12. In addition to the economic benefits of developing land along the M42 corridor, there are clear benefits in locating large scale employment development close to HS2, the Airport, Greater Birmingham. In the absence of any assessment of these benefits, it is not clear the Council have considered sustainable patterns of development.

(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?

13. No. It is not made clear what the scale and nature of development needs are beyond 2033 and this is reflected in the ambiguous policy, which does not specify whether it is for housing or employment uses.

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

14. We have no comments to make in response to this question.

6.4 Whilst consideration of individual sites will fall to matter 9, is the broad extent of the Meaningful Gap robustly evidenced [CD6/10], and the intended application of associated policy LP5 justified? How does the purpose of the Meaningful Gap differ to that of the Green Belt?

15. We have no comments to make in response to this question.

6.5 Is the LP based on robust evidence related to heritage, and does it set out an appropriate and positive strategy for the conservation and enjoyment of the historic environment including related to the canal system (chiefly policy LP15)?

16. We have no comments to make in response to this question.

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?

17. We have no comments to make in response to this question.

5.7 Are policies LP11 and LP13 ‘Rural Employment’ justified and consistent with national policy which seeks to support a prosperous rural economy?

18. We have no comments to make in response to this question.

6.7 In addition to consideration of the HRA and SA in matters 2 and 4, is the approach in the LP, policies LP16, LP17, LP18 and LP19 in particular, to protecting and enhancing biodiversity justified and consistent with national policy?

19. We have no comments to make in response to this question.

6.8 Is policy LP20, Green Spaces, appropriately justified and effective?

20. We have no comments to make in response to this question.

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?

21. We have no comments to make in response to this question.

Report to Lichfield District Council

by **Robert Yuille Msc DipTP MRTPI**

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

16 January 2015

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

REPORT ON THE EXAMINATION INTO THE LICHFIELD DISTRICT LOCAL PLAN: STRATEGY

Document submitted for examination on 22 March 2013

Examination hearings held between 24 June and 10 July 2013 and between 9 October and 17 October 2014

File Ref: PINS/K3415/429/5

that Birmingham City Council cannot accommodate its housing needs within its own area. This is something that would be likely to take place through a review of the Plan. However, there is no clear evidence at this time which suggests that the strategy of concentrating development at Brookhay Villages would be more appropriate than the strategy proposed by the Council in the Plan.

185. Moreover, Brookhay Villages is quite correctly being promoted as a single proposal that would be planned comprehensively. However, as has already been noted, the scheme would involve land in both Lichfield District and East Staffordshire Borough and if it were to progress would need to be included in the Local Plan for each area. The evidence at the initial hearings was that the scheme does not feature as a proposal in the emerging plan for East Staffordshire.

186. There would be little merit, therefore, in me recommending that, in effect, the Plan should unilaterally propose this scheme, a scheme which requires comprehensive and cross boundary planning, without clear evidence that it was supported by the neighbouring council. There is no evidence at this time that such support would be forthcoming.

187. This comment is not intended as a criticism of either council as this scheme only emerged relatively late in the day. Rather it is intended to point out the procedural difficulties of promoting this scheme without clear evidence of cross boundary agreement.

Conclusions on Identified Sites

188. I am satisfied on the available evidence that the proposed Strategic Development Allocations and the Broad Development Location identified in the Plan are either deliverable or developable, they are viable and they are sustainable. I am also satisfied that these sites are the most appropriate having considered reasonable alternatives.

Additional Sites

Preamble

189. It has been established earlier in this report (paragraph 64) that in its search for the additional sites necessary to remedy the housing shortfall the Council considered a number of alternative sites and strategic options. The outcome of this process, which included an updated Green Belt Review⁹⁰, was the selection of two sites, Deanslade Farm and Cricket Lane, sites which involved taking land out of Green Belt⁹¹.

190. There was relatively little in the way of suggestion at the resumed hearings that these sites were not in suitable locations, that they were not deliverable or developable or that they were not viable. Indeed the evidence points to the contrary - the sites are on the edge of and well related to Lichfield City which is by far the most sustainable settlement in

⁹⁰ CD2-44a. Green Belt Review Supplementary Report.

⁹¹ The Council's decision to allocate further land for housing at Fradley East was not seriously challenged.

the District and they are in the hands of developers who have done the work necessary to demonstrate that they are deliverable or developable and that they are viable. The focus of concern at the resumed hearings was not with these matters but with the fact that the allocation of these sites involves taking land out of Green Belt.

191. It was common ground at the resumed hearings that an essential characteristic of Green Belt is its openness and its permanence and that once established Green Belt boundaries should be altered only in exceptional circumstances through the preparation or review of a local plan. It was also agreed that when reviewing Green Belt boundaries account should be taken of the need to promote sustainable patterns of development or, to put it another way, that the revised boundaries should be consistent with the Local Plan strategy for meeting the requirements for sustainable development⁹².
192. The government has recently published updated guidance on housing needs⁹³ but this does not alter the points made above, it simply re-states the point that in considering whether to meet its assessed need for housing the Council should take account of constraints such as Green Belt which indicate that development should be restricted. When considering the relevance of this point it is important to bear two facts in mind. Firstly, the Council has never sought to argue that Green Belt is a factor which, in its particular area, restrains its ability to meet its need for development. Secondly, this is not a situation in which the option of taking land out of Green Belt is being imposed on the Council. In my interim findings I concluded that there was a need to identify more housing sites. I did not conclude that this amounted to the exceptional circumstances that would warrant the release of Green Belt land nor did I conclude that this could not amount to such exceptional circumstances. I left this judgement to the Council.
193. Following on from these points it was agreed at the resumed hearings that the question of whether or not exceptional circumstances exist is a matter of planning judgement taking into account the objective of contributing to the achievement of sustainable development. The Council considers that exceptional circumstances exist: others disagree. I will deal now with the various points of disagreement.

Exceptional Circumstances Ignored

194. The Council was clearly aware that the sites it had selected were in Green Belt. Before selecting them it produced its Supplementary Green Belt Review⁹⁴ the purpose of which was to establish which parts of the Green Belt it should continue to protect and which parts it would be best to release if such release were required. In its Sustainability Appraisal⁹⁵ the

⁹² National Planning Policy Framework paragraphs 79, 83, 84 and 85.

⁹³ Planning Guidance. Housing and Economic Land Availability. Paragraphs 44 and 45.

⁹⁴ CD2-44a. Supplementary Green Belt Review.

⁹⁵ CD1-8a. Paragraphs 86 and 87.

Council also, in effect, took account of the fact that these sites were in Green Belt. So, although the exceptional circumstances test is not specifically referred to in the Supplementary Green Belt Review, the Sustainability Appraisal or the Plan, I am satisfied that the Council had it in mind when it made its decision to remove two sites from Green Belt.

Too Much Credence Given to Strategy

195. It was argued that the Council gave too much credence to an urban/key centre focussed strategy in the submitted Plan. The point being made was that the Council should have looked afresh at where the increased number of houses, in total, should be located. It could, for example, have looked again at the merits of a new settlement as a way of accommodating some or all of the total number of houses needed rather than take the approach that it did of appraising new settlements only as a way of accommodating the additional houses.

196. While such an approach was open to the Council I do not consider that the Council was bound to take it. It is entirely legitimate for the Council to seek to find additional sites that are consistent with the strategy of the submitted Plan, particularly as I had already endorsed that strategy in my Interim Findings.

Too Little Credence Given to Strategy

197. It was argued that by taking land out of Green Belt the Council gave too little credence to the Plan's strategy as this sought to minimise Green Belt releases. When assessing ways of accommodating the additional housing land required the Council should have adopted a sequential approach and looked first at alternatives which conformed with all aspects of the strategy.

198. However, while the strategy seeks to minimise Green Belt releases it has never ruled them out in the longer term. The submitted version of Core Policy 1 made clear that changes to Green Belt boundaries around the edge of Lichfield city to meet longer term needs would be considered. The need to find additional housing sites has simply brought the process forward. I see no reason, therefore, why the Council should have adopted the sequential approach suggested.

Green Belt as a Last Resort

199. The fact that land is in Green Belt should not be taken lightly, it should be released only in exceptional circumstances. So, for example, it would be legitimate for the Council, as it has done elsewhere, to select a site although it was somewhat less sustainable in other respects than alternative sites but which avoided developing in Green Belt.

200. However, I can find no justification in the Framework, in Planning Guidance or indeed in the case of I M Properties⁹⁶ for the proposition that Green Belt land should be released only as a last resort. This would be to accept that sustainability is the servant of Green Belt designation - which

⁹⁶ CD 5-26. I M Properties v Lichfield District Council. Paragraph 96.

it is not. On the contrary, as has already been established, the duty in determining Green Belt boundaries is to take account of the need to promote sustainable patterns of development.

Suitability of Deanslade Farm and Cricket Lane for Green Belt Release

201. The Council, on the basis of information contained in its Supplementary Green Belt Review and Sustainability Appraisal, has concluded that the release of the sites at Cricket Lane and Deanslade Farm would not cause unacceptable harm to the purposes of including land in Green Belt. Both sites obviously have a role to play in safeguarding the countryside from encroachment and the higher portions of Deanslade Farm form part of the landscape around the city of Lichfield which in its undeveloped state helps preserve the historic character and setting of that city.
202. However it is proposed that the upper part of Deanslade Farm would remain in Green Belt and be incorporated into a District Park. The lower part of the site could be developed without having a major impact on the open aspect of views towards the city. The provision of the Country Park would help provide a strong defensible boundary to the Green Belt at Deanslade Farm. Cricket Lane already has such boundaries, being contained within the A38, London Road and Cricket Lane.
203. Having visited these sites and examined the evidence I agree with the Council's conclusion that their deletion from Green Belt would not cause unacceptable harm to the purposes of including land in Green Belt.

Conclusions on Additional Sites

204. The focus of concern at the resumed hearings was not so much that Cricket Lane and Deanslade Farm were unsuitable, undeliverable, undevelopable or unviable but rather that there were better sites which should have been selected. This argument was put forward in favour of Brookhay Villages, of sites at Burntwood, of various sites in the rural area including sites at Fazeley, Armitage and Stonnall, of the site at Watery Lane and of the site at Fradley West. These arguments are not, however borne out by the findings of the Sustainability Appraisal which I have examined at length and have concluded are reliable. These findings indicate that the additional sites selected by the Council are the most suitable.
205. I have already considered a number of these alternative sites earlier in this report and concluded that they were not more suitable than the sites allocated in the submitted version of the Plan. A number of the comments which I made about Brookhay Villages (Paragraphs 178-187), about sites at Burntwood (paragraph 131) and about sites in the rural area (paragraph 164) hold good when comparing these sites to the additional sites selected by the Council.
206. New information was submitted in support of the site at Watery Lane but as I have concluded earlier in this report (paragraph 99) I see no reason to dispute the judgement that this site is less sustainable than the

additional sites selected by the Council. As to the site at Fradley West, it is common ground that Fradley is a sustainable location for growth as evidenced by the proposal to allocate other sites there. The fact remains, however, that it is not as sustainable a location as sites on the edge of Lichfield and it has not been seriously argued that it is.

207. Nonetheless, the additional sites selected by the Council are in Green Belt and land should be released from Green Belt only in exceptional circumstances. In my judgement the lack of more sustainable sites outside the Green Belt to meet the identified need for housing in a way that is consistent with the Plan's urban and key centre strategy amounts, in this instance, to the exceptional circumstances that justify the release of Green Belt land at Deanslade Farm and Cricket Lane and their allocation for development (together with additional housing land at Fradley East) as proposed in **MM12 – MM24**. I am also satisfied that the additional sites selected by the Council are the most suitable having considered reasonable alternatives.

Issue 4: Housing Supply

208. Discussion on housing supply at the resumed hearings focussed on the ability of the Strategic Development Allocations in the Plan, particularly those around Lichfield city, to deliver a five year supply of housing land.

209. Broadly speaking the Council's evidence at the resumed hearings was that if the Strategic Development Allocations in the Plan, including the sites at Deanslade Farm and Cricket Lane, were taken into account it could demonstrate a 5 year supply of land if the 'Liverpool' approach were adopted and the shortfall in housing completions since the start of the plan period were spread over the remaining plan period. On the other hand it could not demonstrate a 5 year supply if the 'Sedgefield' approach were adopted and the shortfall in housing completions were spread over the next 5 years. This calculation gave rise to a number of questions.

Sedgefield and Liverpool approaches

210. The question of whether the Liverpool or Sedgefield approach is adopted has a critical impact on housing land supply calculations. The advice⁹⁷ is that the Sedgefield approach should be taken where possible. This is understandable as seeking to remedy any past undersupply within the first five years of the Plan is consistent with the aspiration of boosting significantly the supply of housing land.

211. However the use of the words 'where possible' clearly anticipates that there will be circumstances in which it will not be possible to apply the Sedgefield approach.

212. Applying the Sedgefield approach would mean that between 754 and 825 houses would need to be built per annum over the first five years of the

⁹⁷ Planning Practice Guidance: Housing and Economic Land Availability: Paragraph 35