

NORTH WARWICKSHIRE BOROUGH COUNCIL
LOCAL PLAN EXAMINATION

HEARING AGENDA

MATTER 4, STRATEGIC APPROACH, DISTRIBUTION OF DEVELOPMENT AND JUSTIFICATION (INCLUDING SUSTAINABILITY APPRAISAL 'SA')

Thursday 27 September 2018, commencing 0930

Council House, South Street, Atherstone CV9 1DE

Participants:

North Warwickshire Borough Council (NWBC)
North Warwickshire Labour Group (NWLG), SLP117
Gladman Developments Ltd. (GDL), SLP330
Stoford Properties (SP), SLP335
Hallam Land Management Ltd. (HLM), SLP336
Bovis Homes Ltd. (BHL), SLP158
Cllr David Parsons (CDP), SLP172
Prologis UK Ltd. (PUL), SLP446
Taylor Wimpey UK Ltd. (TWU), SLP343
Fisher German LLP (FGL), SLP340
E.ON (EON), SLP441
Cathedral Agricultural Partnership and the White Family (CAP), SLP345
Richborough Estates (RE), SLP430
Ciel Property Holdings (CPH), SLP113
Severn Trent PLC (STP), SLP168
Severn Trent Water (STW), SLP442
KNG Developments (KNG), SLP303
Church Commissioners for England (CCE), SLP360
Junction 9 Consortium (J9C), SLP432
Walton Homes (WH), SLP332
IM properties (IMP), SLP439
Hodgetts Estates (HE), SLP429
Malcolm Neachell (MN), SLP448
CPRE Warwickshire (CPRE), SLP447
Mark Doggett (MD), SLP278
Sharba Homes Ltd. (SHL), SLP438

Notes:

- i. This agenda is provisional and flexible, and refines the issues and questions [INSP5] primarily on the basis of submitted position statements.
- ii. Participants named in (brackets) against an item may be invited to open the discussion, but that is optional. [Square brackets] denote examination documents.
- iii. It is not intended to repeat introductory matters [INSP1-7], or those covered in earlier sessions. Participants should consult those documents, and others in the examination library, in framing their contributions.
- iv. It may not be necessary to cover all issues and questions, and the agenda does not seek to confine discussion to only those points set out below.
- v. Various legal judgements brought to my attention are referenced in the appendix to this agenda and will be addressed, as necessary, during the hearing.

ISSUES AND QUESTIONS

- 4.1 Is the Local Plan (LP) founded upon a spatial vision and strategic objectives which are effective and justified?[Noting AD17](TWU)(SHL)(SP)(IMP)
- 4.2 Has appropriate consideration been given to commuting patterns and redeveloping previously developed land in establishing the overarching spatial approach to development?[CD8/9a, CD8/10, AD24A, CD6/6]¹(RE)(IMP)(NWLG)(SP)
- 4.3 Would any areas of conflict arise between the spatial vision and strategic objectives of the LP relative to its policies? How could any be resolved?
- i. with regard to the spatial approach taken via category 2 of policy LP2.(TW)
 - ii. with regard to the distribution of development across the settlement hierarchy. (RE)
- 4.4 Including in respect of its timing, and the consideration of growth options [CD6/6, CD6/7], was the sustainability appraisal process (SA)[CD1/2] legally compliant? (NWLG)(IMP)²(CCE)
- 4.5 What reasonable alternatives to the plan strategy have been assessed in the SA, including to the housing requirement and aspiration in respect of accommodating a proportion of forecast undershoot in housing delivery across the Greater Birmingham Housing Market Area (GBHMA)?[CD6/9a](NWLG)(TW)(SDL)
- (a) have reasonable alternatives to the plan strategy been defined distinctly?(SP)(CCE)³
 - (b) has that assessment been in a comparable level of detail to the approach now advanced by the LP?(STW)(IMP)
 - (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?(SHL)
- 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 area. Is the settlement hierarchy justified and consistent with national policy?(IMP)
- i. in respect of category 1 of policy LP2 and Coleshill?(STW)

¹ Respectively 2012-based SNPP & Economic Forecasts study (September 2014), SHMA (September 2015), Commuting patterns based on 2011 census data, NWBC Growth Options Paper (April 2016).

² Noting the appendix to IMP's position statement in this respect (PS.M4.20) and the chronology set out by NWBC (PS.M4.01) alongside AD20A, the LDF Sub Committee Report of 3 August 2016.

³ Noting the tabulated appendix to CCE's position statement (PS.M4.18).

ii. in respect of category 3 of policy LP2? (TSBC)

iii. in respect of 'category 5' of policy LP2? (GDL)

(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? (NWBC)(NWLG)

(b) NWBC set out in examination document CD0/2A that alternatives to the scale of housing growth proposed via the LP have been considered? Where has such consideration been undertaken? Have other options for levels of employment space also been assessed? [PS.M4.01]

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 settlements'.

(a) where is that assessment set out specifically? [CD6/3B]⁴

i. is that assessment compliant with NPPF2012 paragraph 158? (FGL)(TSBC)(SHL)(EON)

(b) is each settlement correctly categorised (noting the interaction with issue 4.6)?

i. in respect of Shuttington (FGL), Coleshill (RE), Kingsbury.

(c) Should Polesworth and Dordon be identified as separate settlements?[AD18]⁵(MD)(SD)(RE)

(d) Should Lea Marston be within LP2 category 4?(EON)(MN)

4.8 Is policy LP2 sufficiently clear to guide decision-taking as to the quantity of development that each settlement is apportioned? (HLM)(WH)(CAP)(TWU)(CPH)

4.9 Is the approach to site allocations overly reliant on the allocation of larger sites to the detriment of supporting thriving rural communities? (HLM)(TSBC)(MD)(SD)(WH)(FGL)(EON)

4.10 Anything else not covered above (or below).

- Housekeeping before the close of first week of hearings-

⁴ A 2010 Settlement Sustainability Assessment, reviewed internally by NWBC.

⁵ The Warwickshire Structure Plan 2003.

Appendix of legal cases cited⁶

- Oadby and Wigston Borough Council v Secretary of State for Communities and Local Government & Anor [2016] EWCA Civ 1040
- Ashdown Forest Economic Development LLP v Wealden District Council & South Downs National Park Authority [2015] EWCA Civ 681
- The Queen on the application of Friends of the Earth England, Wales and Northern Ireland Ltd. v The Welsh Ministers [2015] EWHC 776 (Admin)
- Calverton Parish Council v Nottingham City Council & Ors [2015] EWHC 1078 (Admin)
- Satnam Millenium Ltd. v Warrington Borough Council [2015] EWHC 370 (Admin)
- Save Historic Newmarket Ltd & Ors v Forest Heath District Council & Ors [2011] EWHC 606 (Admin)

⁶ Not intended to be comprehensive, but rather to reference the principal cases brought to my attention in respect of examination matter 4.