

Matter 9

**NORTH WARWICKSHIRE BOROUGH COUNCIL LOCAL PLAN EXAMINATION
STATEMENT ON BEHALF OF THE CHURCH COMMISSIONERS FOR ENGLAND – ID SLP360**

EXAMINATION HEARINGS, PHASE 2

Matter 9, Allocations and supply of land for development requirements

Preamble

This Hearing Statement is made on behalf of our Client, the Church Commissioners for England, in advance of making verbal representations to Phase 2 of the Examination in Public into the North Warwickshire Local Plan.

Our Client is the majority landowner of 'Land to the east of Polesworth and Dordon' which has a draft allocation for housing under Policy H7. Accordingly, our Client is keen to engage in the Local Plan examination process and assist in preparing a sound plan which is positively prepared, justified, effective and consistent.

In this Statement we respond to Site Allocations - Overarching Issues, Questions 9.3, 9.4, 9.5, 9.7, 9.8(c), 9.9 and 9.10, and Site Allocations - 'Category 1' Settlement Allocations, Polesworth with Dordon, Question 9.19 Allocation H7, land to the east of Polesworth and Dordon.

We do not have any specific comments to make in relation to the other Matter 9 Questions, but do nevertheless reserve the right to comment further in so far as it may affect our Client's land east of Polesworth and Dordon (Allocation H7).

Questions

9.3 With reference to CD8/13B and PS.M8.01 are allocation yields and delivery trajectories justified and robust, including over the next five years? (*noting some inevitable overlap with strategic matters 7 and 8*)

1. Our Matter Statement for Hearing Session 8 included the proposed lead-in times up to the commencement of development and expected delivery rate of dwellings per annum for Allocation H7. We set out below an updated position in respect of the proposed trajectory:

- Adoption of the Local Plan - Autumn 2019
 - Submission of Outline Planning Application - Autumn 2019
 - Approval of Outline Planning Permission – Spring/Summer 2020
 - Marketing, discharge of site-wide planning conditions, approval of reserved matters, discharge of pre-commencement planning conditions and start on Site – Spring/Summer 2022
2. In light of the above lead-in times, it is maintained that Allocation H7 will be able to deliver 2,000 dwellings within the Plan period. This includes first completions within the monitoring period 2022/23 up to the delivery of 200 dwellings per annum (dpa) over the period 2024/25 to 2031/32. Delivery of the Site will then be completed in the monitoring year 2032/33.
 3. It is considered that a build-out rate of 200 dpa is wholly achievable and is comparable to the build-out rate for the Rugby Radio Station site – located within the adjoining authority of Rugby Borough Council (Rugby Borough Council Reference: R11/0699). This development involved the construction of up to 6,200 dwellings and delivered 40 market dwellings per year for each of the three outlets (120 market dwellings per annum). When affordable housing provision is included as well, a total build out-rate of 200 dpa is considered wholly achievable.
 4. Indeed, it is proposed that Allocation H7 be constructed simultaneously from the north and south, meeting 'in the middle' alongside the construction of the spine road linking the B5000 and A5. This will allow the site to be built-out by up to four outlets at once.
 5. Furthermore, Allocation H7 will deliver much needed market and affordable accommodation in an area that has seen limited growth over recent years. There is considered to be high market demand for dwellings in this location – demonstrated most recently through the timely delivery and sale of dwellings at an adjoining Taylor Wimpey development at Grendon Road.
 6. If we do not however deliver as anticipated the Plan provides flexibility through some overprovision and the identification of reserved sites. This means that in the short term some slippage in delivery could be accommodated, and then made-up on the Site.

9.4 Has the comparative assessment of sites resulting in those included for allocation in the plan been undertaken in a proportionate and consistent manner? (with particular regard to the SHLAA [CD8/17] and SA for site allocations, section 2 in particular [CD3/1]).

7. Yes. The Council undertook a comprehensive Strategic Housing Land Availability Assessment (SHLAA) in June 2014 which confirmed there to be sufficient deliverable and developable land to meet the proposed housing requirement. The Council has then allocated sites in accordance with the size of settlements, its range of services and facilities and whether it is located within the Green Belt.
8. Indeed, the Council's Settlement Sustainability Assessment (December 2018) (CD63C) ranks the sustainability of settlements based on accessibility to services and facilities (such as education, healthcare, shops and services). Whilst Polesworth and Dordon rank third and seventh respectively at Table 2, the Council goes on to consider how settlements score when they are considered as a single network of villages. This approach is fully supported as settlements should be considered in their wider context, rather than on an individual basis. When ranked together, Polesworth and Dordon represents the second most sustainable location within the Borough, behind only Atherstone and Mancetter.
9. In assessing the suitability of allocations, the Council has then considered each settlement against known constraints. For example, whilst it is noted that Coleshill is ranked as the third most sustainable location within the Borough, it is significantly constrained by the Green Belt. Paragraph 137 of the NPPF 2019 is clear in its approach that a local planning authority should demonstrate that it has **"examined fully all other reasonable options for meeting its identified need for development"** before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries.
10. With this in mind, it is considered that the Council are fully justified in including the land to the east of Polesworth and Dordon as an allocation at Policy H7.

(a) If any allocations have been brought forward from former plans, have they been assessed afresh?

11. Yes. The emerging Local Plan is supported by a Sustainability Appraisal (SA) which assesses the likely effects on social, economic and environmental issues. The SA,

alongside its various updates, provides a detailed and robust assessment of allocations contained within the Local Plan.

9.5 Local Plan paragraph 8.4 and policy LP7 indicates that the residential density of development should be at least 30 dwellings per hectare ('dph'). The average density for site allocations, excluding H23 Austrey, based on policy LP39 appears to be around 20.5 dph. The lowest densities at allocations H7, H18 and H19 are between 12 and 14 dph. Is the plan's approach to density appropriate?

12. The Council's aspiration to achieve residential densities of at least 30 dwellings per hectare (dph) are fully supported and will look to be achieved in delivering Allocation H7. Whilst Allocation H7 (based on Policy LP39), demonstrates a lower residential density, this is gross density whereas Policy LP7 refers to net density. Figure 1 of the Local Plan includes a number of known constraints – including Ancient Woodland, Local Wildlife Sites and Hoo Hill (including Grade II listed Obelisk). The site area of 160.8ha would therefore not be developed in its entirety, resulting in a residential density that generally accords with the requirements of Policy LP7.

9.7 With reference to objective 1 of the Local Plan in particular, which seeks to ensure the effective re-use of brownfield land, which allocations are wholly or partially previously developed land?

13. It is our understanding that the previous mining use did not include a condition requiring the land to be reinstated to its former condition. Based on this, in accordance with Annex 2 of the NPPF 2012 and Annex 1 of the NPPF 2019, the Site should be regarded as 'previously developed land'. We recognise that the Council has not accepted this interpretation.

9.8 Are the categorisations of settlements in policy LP2 appropriate with regard to the updated Settlement Sustainability Appraisal ('SSA')[CD6/3C]?

14. Yes. As set out above, the Settlement Sustainability Appraisal identifies Polesworth and Dordon as the second most sustainable location within the Borough – behind Atherstone and Mancetter. It is therefore considered wholly appropriate for Polesworth and Dordon to be designated as a 'Market Town', the highest tier within the settlement hierarchy.

15. Moreover, the Council's approach for combining the two settlements as part of the assessment is wholly supported. Whilst it is noted that Polesworth and Dordon have a separate identity and history, they are considered to function as a single settlement in respect of its services and facilities. For example, whilst Dordon does not contain a

secondary school, The Polesworth School is located along Dordon Road and easily accessed by residents of both communities.

16. Furthermore, the scoring of bus routes as part of the assessment of both settlements is fully supported. Indeed, this highlights the connectivity and functionality between the two settlements with all shops, services and facilities accessible to local residents through several means of transportation other than the private car.

(c) Proportionately, are allocations aligned with the scale and function of settlements? If not, is there compelling justification for that? NB. This question will also fall to discussions on individual sites as necessary.

17. Polesworth and Dordon has been designated within both the emerging Local Plan and adopted Core Strategy (October 2014) as a Market Town (the highest tier of the settlement hierarchy) and is unconstrained by the Green Belt. It is therefore considered wholly appropriate for Polesworth and Dordon to be attributed with a significant proportion of housing growth over the Plan period. Indeed, it is noted that Atherstone and Mancetter are attributed a similar level of housing growth to Polesworth and Dordon (1,859 dwellings and 2,071 dwellings respectively), given their designation as a Market Town. Coleshill, whilst designated as a Market Town, is significantly constrained by the Green Belt. In accordance with paragraph 137 of the NPPF 2019, the Council has therefore limited the amount of growth attributed to the settlement.

18. Furthermore, Allocation H7 provides the opportunity to deliver a piece of strategic infrastructure in the form of the proposed road linking the B5000 and A5. This could not be achieved through the delivery of several smaller sites as it would not provide the land or capital required to bring forward the link road.

19. With this in mind, it is considered that the Site would deliver a level of housing growth that is fully aligned with the scale and function of the settlement.

9.9 Do allocations for housing and employment, were they to be subject to MM9 and MM39 [NWBC20A], contain sufficient flexibility or contingency for future change and to ensure delivery in line with forecasts?

20. The inclusion of MM9 at paragraph 1.8 (Duty to Co-operate) of the Local Plan is generally supported as it will provide additional flexibility. However, it would be considered more effective if it was included as an individual policy rather than a supporting paragraph.

9.10 Is there a rationale for referencing certain Local Plan requirements inconsistently, such as provision of Sustainable Urban Drainage Systems in certain allocations but not others? Is there a rationale for setting only certain allocations as a minimum number? Should a consistent size threshold be set for terming a site 'strategic' or requiring that masterplans are prepared?

21. We do not have any specific comments to make in respect of the Council's approach towards other allocations within the Plan. However, in terms of Allocation H7, it is considered appropriate to:

- Include reference to sustainable urban drainage facilities as part of criterion 7 (bullet point 3). A key design consideration will be the provision of footpaths and cycleways across the development therefore, to help ensure the delivery of attractive and functional spaces, it is appropriate for these linkages to be considered alongside sustainable urban drainage facilities.
- Set the allocation as a minimum number. This will take account of policy aspirations in relation to density.
- Require a masterplan - a collaborative approach is being taken between landowners to secure the delivery of Allocation H7 and it is considered appropriate for the Local Plan to include a mechanism to secure a holistically designed scheme.

Polesworth with Dordon

9.19 Allocation H7, land to the east of Polesworth and Dordon

(a) Reflecting 9.11 (b) are the masterplanning requirements for allocation H7 consistent with the approach set out in paragraph 14.14 (and 14.23)?

22. In so far as Policy H7 requires a masterplan, which sets out specific requirements for Allocation H7 including other associated uses rather than housing alone, it is consistent with paragraph 4.14 and (and paragraph 4.23). Reference to specific associated uses is fully supported as part of Policy H7. Indeed, the Infrastructure Delivery Plan (March 2018) clearly establishes the infrastructure required to ensure that the emerging Local Plan is robust and deliverable. This includes a breakdown of the infrastructure required towards transport, green infrastructure, housing, education, health, social infrastructure, public services and utility services for each settlement. Reference to the supporting uses will therefore ensure that the Local Plan is fully transparent and delivers the necessary services within Polesworth and Dordon over the Plan period.

23. We however object to the partial designation of Allocation H7 as Green Space/Open Space within the Proposals Map. Figure 1 of the Local Plan correctly identifies these parcels as a Local Wildlife Site and, as such, will be subject to the considerations of Policy LP16. Indeed, Green Space/Open Space is a separate land use designation and would lead to confusion as part of the design process. As such, it is recommended that the Proposals Map is amended as part of Allocation H7 to designate the areas of land marked green as Local Wildlife Sites.

(b) Is it appropriate to allocate the site as for 'a minimum' of 2000 homes?

24. Yes, it is considered wholly appropriate that the Site is allocated for a minimum of 2,000 dwellings. Noting the Council's policy aspirations in relation to density, inclusion of the word 'minimum' will provide additional flexibility within the Plan.

(c) The Programme Officer has helpfully confirmed there to be no question 9(c).

(d) Are A5 access arrangements proposed for replacement those referred to in paragraph 14.37? Has that replacement been scoped, costed and included in a list of necessary infrastructure projects?

25. Paragraph 14.37 refers to improvements of the A5/Long Street junction, located to the south-west of the Site. The works to upgrade this junction have been scoped and costed as part of Table 19 of the Infrastructure Delivery Plan (March 2018).

(e) Would any infrastructure provision undermine viability with reference to NPPF2012 paragraph 173?

26. As covered in Matter 8, the viability of individual allocations has been taken into consideration as part of the submitted 'Review and Update of the Council's Viability Assessment (Residential)', which has been prepared by Adams Integra on behalf of the Council. The viability appraisal for the Site is included at Appendix 8c and confirms that, alongside the provision of necessary supporting infrastructure, would remain viable.

27. The Commissioners generally support the findings of the appraisal and equally consider that the scheme will remain viable alongside the provision of all supporting infrastructure.

(f) Would the effect of the scheme on ecology, the environment, and heritage assets, including ancient woodland and local wildlife sites, be appropriate?

28. For ease of reference, we deal with each of these matters, in turn, below:

Ecology

29. There are four non-statutory designated sites within the Site and one situated adjacent to the eastern boundary. Subject to appropriate mitigation measures, any negative effects from the proposed development are likely to be minimised. The inclusion of a green infrastructure strategy within any masterplan has the potential to maintain and possibly enhance ecological connectivity through the Site.
30. The remaining habitats within the Site are predominantly of low intrinsic ecological value and present good opportunities for enhancement. They are not a constraint to development capacity in their own right, but have the potential to support protected species.
31. The possible presence of assemblages of breeding and wintering birds, foraging and roosting bats, great crested newts, reptiles, notable mammals, invertebrates and plants within the Site will need to be determined through further surveys at appropriate times of year. However, it is considered that, even if these protected species were found to be present, the populations could be readily safeguarded through sensitive scheme design and appropriate mitigation measures, and would not represent an 'in principle' constraint to development. Indeed, opportunities for any protected species potentially present, with the possible exception of farmland birds, could be significantly enhanced in the long-term through the appropriate design of future development proposals.
32. The Hollies forms an area of ancient woodland within the Site. We support its retention as part of Figure 1 of the Local Plan.
33. The Site therefore offers sufficient flexibility to ensure compliance with planning policy at all levels and to avoid 'significant harm' to biodiversity. Furthermore, a sensitively designed development incorporating appropriate mitigation and enhancement has the potential to deliver a significant net gain in biodiversity.

Ground Conditions

34. We have provided a letter from the Coal Authority alongside this Matter Statement, dated 17th September 2013. At the time of drafting the letter, the Coal Authority was considering the suitability of allocating land to the south of Dunns Lane for residential development.

35. The letter confirms that prior extraction is unlikely to be feasible and raised no objection to the allocation of land to the south of Dunn's Lane – which forms the southern section of the Site.

Landscape

36. The Council has prepared a Landscape Character Assessment in support of the Local Plan. The Assessment confirms that the Site has the capacity to accommodate new development sensitively within the landscape with the inclusion of appropriate mitigation measures. These findings are fully supported.

Archaeology and Heritage

37. The Site contains one designated heritage asset. A buffer of open land and planting is considered to appropriately mitigate the likely adverse effect of development. Low archaeological potential has also been assessed across the Site as coal mining activities are likely to have removed anything of interest.
38. Given its elevated position to the east of the Site, Dordon Hall Farm's Grade II listed farmhouse has the potential to be adversely affected by built development. However, with appropriate mitigation in the form of a buffer of open land and appropriate screen planting, adverse effects would be minimised. Whilst the exact amount of screening and buffer would be a matter for consideration as part of the development control process, the impact on Dordon Hall is not considered to represent a fundamental constraint to development.

Summary

39. In light of the above, it is considered that the evidence provided in support of the Local Plan as well as appended to this Matter Statement, robustly confirms the suitability of the Site for residential-led development.

APPENDIX 1
ALLOCATION H7: HOUSING TRAJECTORY

Land to East of Polesworth and Dordon - Proposed Housing Trajectory

	Gross completions up to 31/3/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25*	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	Total	Comments
Barton Willmore Position (February 2019)	0	0	15	16	0	69	150	200	200	200	200	200	200	200	200	150	2,000	Application for reserved matters approval awaiting determination for 1-7 The Beeches - expected decision in March 2019. As such, completions have been moved on an additional year.

APPENDIX 2
LETTER FROM THE COAL AUTHORITY
DATED 17th SEPTEMBER 2013



The Coal
Authority



INVESTOR IN PEOPLE

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For the Attention of: Mr Tim Troman – Technical Director
Wardell Armstrong LLP

[REDACTED]

17 September 2013

Dear Mr Troman

Church Commissioners Land at Dordon, Warwickshire

This letter is further to our meeting of 22 August 2013 regarding the Draft Prior Extraction Feasibility Report prepared as part of the evidence base to support the proposed allocation of the above site for residential development through the emerging North Warwickshire Local Plan.

The Coal Authority is satisfied that the option-based approach set out in the Draft Prior Extraction Feasibility Report is an appropriate method of assessing the potential feasibility of prior extraction of surface coal resources. Having reviewed the content and conclusions of the Draft Report I consider that the issue has broadly been considered in sufficient detail to enable a conclusion to be reasonably reached that prior extraction may not be feasible within the land proposed for residential development at Dordon, Warwickshire.

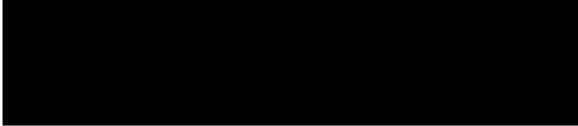
As discussed at the meeting, whilst The Coal Authority concurs with the conclusions for the 5m and 30m extraction scenarios, we consider that the 10m scenario is the most realistic of the three options and therefore the finalised Report may benefit from an increased focus on the various reasons why this option is not considered feasible. In addition, whilst we consider this Report is appropriate to support the proposed allocation of this land, it is likely that such supporting evidence to accompany any future planning application would need to include some additional analysis regarding the financial viability of the options. Viability of extraction would need to be considered against the environmental costs (e.g. noise, air quality, lorry traffic, etc.) and a balanced conclusion reached.

The land has been subject to both recorded past shallow and surface mining activity and will require the submission of a Coal Mining Risk Assessment in support of any future planning application for residential development. It is recommended that the content of the

Prior Extraction Feasibility Report is incorporated into the Risk Assessment to form a single document which considers all coal-related issues in a coherent manner.

Please do not hesitate to contact me if you wish to discuss this matter further.

Yours sincerely



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