

**Response by NWBC on the Matters, Issues and Questions
Matter 10, Development Management policies**

10.1 For effectiveness, with regard to NPPF2018 paragraphs 17 and 18 and to the schedule of MMs [NWBC20A] should all policies, such as LP1, be either ‘strategic’ or ‘development management’ rather than a combination of both?

10.1.1 The Borough Council has brought together a number of documents into the current Local Plan. The Core Strategy was originally going to be supported by a Development Management Plan and Site Allocations Plan. When preparing the current Local Plan it became clear that there was an element of duplication between the policies covering the same or similar topics. It was considered that it would be helpful to put the topics together into one or more policies. The policies where possible were combined in order to make it easier to navigate through the Local Plan and to cut down on the number of policies.

10.1.2 Even though the updated NPPF refers to strategic and non-strategic policies the Borough Council feels that the policies should remain as one policy or they should remain close to one another even if they get split. For example, the Green Belt policy could be split into Green Belt strategic and Green Belt DM either through two policies or kept in one policy, but with a clear distinction between the two sections. There could perhaps be a distinction made between the sections of the policy. It is suggested in addition that Chapter 13 changes its name to Additional Considerations rather than Development Management so to assist with keeping topics together.

Suggested Modifications

<i>Chapter</i>	<i>Para</i>	<i>Proposed Modification</i>	<i>Main Mod or Additional Mod</i>	<i>Reason</i>
13		Change name to “ <u>Additional Considerations</u> ” rather than Development Management .	Additional Mod	Clarification

10.2 For clarity and consistency with the approach in the NPPF2012 and PPG, should Local Plan policy LP6 ‘Amount of development’ be located before others which seek to protect certain designations (e.g. LP3, LP4, LP5)?

10.2.1 The Borough Council has had many long discussions as to the order of the policies within the Local Plan. Do the numbers impact on some over arching policies or is it

the strategy that influences the numbers? The Borough Council is open to changes to the order of the Local Plan and would suggest that LP6 comes after LP2.

10.3 NWBC11 sets out aggregate housing completions since 2011 (as discussed under matter 8, viability and delivery). With reference to Local Plan policy LP9, what is the figure for affordable housing provision of different types over that period?

10.3.1 Attached as Appendix A are two tables showing information on the provision of affordable housing. The first is a summary table providing information on the overall amounts of affordable housing that has been completed since 2006 recognising of course that the Plan period is from 2011. The second table indicates the type of accommodation provided on a site by site basis and by whom.

10.3.2 As can be seen that the figures have varied widely and this reflects the market conditions as well as the availability of funding for the provision of affordable housing. The Borough Council has worked with Waterloo Housing Association for many years as well as Bromford, Orbit and Family Housing. Discussions have recently taken place with Platform (Waterloo Housing and Fortis Living have come together to form Platform Housing Group) who is a Strategic Delivery Partner for MHCLG. The Borough Council will work with Platform, and other providers, to bring forward more affordable housing and explore site opportunities.

10.3.3 It is suggested that some changes are made to LP9: Affordable Housing to make it clearer.

Suggested Modifications

<i>Chapter</i>	<i>Para</i>	<i>Proposed Modification</i>	<i>Main Mod or Additional Mod</i>	<i>Reason</i>
8	LP9	Affordable Housing Mix should include A target of affordable housing a tenure mix <u>to include 85% affordable rent and 15% suitable intermediate tenure, including starter homes, will be provided</u> where practicable.	Main	Clarification

**NORTH WARWICKSHIRE BOROUGH COUNCIL
LOCAL PLAN EXAMINATION**

10.4 Should Local Plan paragraph 13.12, which requires land remediation, be a policy rather than supporting text in addition to criterion 13 of policy LP31?

10.4.1 The Borough Council is open to this being a separate policy however feel another option would be to add some additional wording to LP31. It was included in the overall development requirements as part of the requirements of a site being developed but the Borough Council is happy for it to be a separate policy. However an alternative way would be to include the following to bullet point 13 of LP31. In addition it is suggested that some wording is put into the glossary.

Suggested Modifications

<i>Chapter</i>	<i>Para</i>	<i>Proposed Modification</i>	<i>Main Mod or Additional Mod</i>	<i>Reason</i>
	<i>Add to bullet 13 of LP31</i>	<i>“...and in this respect identification of contaminated and potentially contaminated land will be necessary prior to determination of proposals depending on the history of the site and sensitivity of the end use”.</i>	<i>Main</i>	
<i>Glossary</i>	<i>Contaminated Land</i>	<i>LA contaminated land planning conditions often refer to ‘Potential risk to human health, property (including buildings, crops, livestock, pets, woodland, lines and pipes), adjoining land, groundwaters and surface waters (controlled waters), ecological systems, archaeological sites and ancient monuments’ which are the Part 2A receptors</i>	<i>Additional</i>	<i>For clarification</i>

10.5 Is a specific policy regarding archaeology necessary to accord with NPPF2012 paragraph 128?

10.5.1 The Borough Council does not consider it is necessary to have a separate policy. Both the NPPF 2012 and the NPPF 2019 refer to “historic asset” and the “historic environment”. The glossary is the same in both versions of the NPPF. It is the latter definition that talks about whether it is “visible, buried or submerged”. It is the Council’s opinion that where heritage assets are referred to that this includes archaeology. Paragraph 189 of NPPF 2018 talks about heritage assets and

specifically refers to archaeology. It is therefore considered appropriate that it is within the same policy as other heritage assets.

10.6 Have any development management policies been consciously omitted in place of relying on the provisions of the NPPF2012?

10.6.1 Appendix B of the adopted Core Strategy (CD6/2B) indicated which policies would likely be translated into a future Development Management Plan. CD4/1 Draft Development Management Plan 2015 was a detailed paper which looked at the preferred DM policy option to take forward. There was no list produced that clearly indicated whether any DM policies were consciously omitted to rely on the provisions of the NPPF. On reviewing the policies it is not considered that any one area has been excluded to solely rely on the NPPF other than coastal matters. All other topics have been covered in some way.

10.7 With reference to MM71, MM72 and MM73, should design guide appendices exist as standalone supplementary planning documents or guidance rather than as integral elements of the Local Plan?

10.7.1 The Borough Council is happy for these to be standalone documents and accepts MM71, MM72 and MM73.

10.8 Policy LP1, Sustainable Development (with regard to MM20).

(a) It is necessary to repeat the presumption in favour of sustainable development in the NPPF2012? If so, should policy LP1 and paragraph 6.2 refer to the phrasing of the NPPF2018?

10.8.1 It was the Council's case that the presumption in favour of development need not be repeated within the Core Strategy. However this was a main modification for that document. It is included in many other Local Plans following PINs advice (RD034) which has been attached as Appendix B. It was assumed that this needed to be carried forward into this Local Plan. If it is to continue then using the wording from NPPF 2019 would be appropriate and would make the Plan more up to date. Paragraph 6.2 is duplication of Policy LP1 so should be deleted.

**NORTH WARWICKSHIRE BOROUGH COUNCIL
LOCAL PLAN EXAMINATION**

Suggested Modifications

<i>Chapter</i>	<i>Para</i>	<i>Proposed Modification</i>	<i>Main Mod or Additional Mod</i>	<i>Reason</i>
6	6.2	<i>Delete paragraph</i>	<i>Main</i>	<i>Duplication of policy wording</i>

10.9 Policy LP2, Settlement Hierarchy

(a) is MM23 necessary for soundness?

10.9.1 The Borough Council considers that MM23 is required for effectiveness in order to make the Plan a lot clearer in how and what development is acceptable in each location.

(b) for effectiveness, should LP2 contain a statement as to what is permissible within development boundaries?

10.9.2 It is suggested that the word “all” is added to MM23 at the start of the policy. This will make it clear that all development, subject of course to other policies in the Plan, will normally be acceptable within development boundaries.

(c) Should indicative scales or proportions of development for each category of settlement be set to provide a clear basis for decision-taking?

10.9.3 Please refer to the response to the Council’s Matter 9 paper and, in particular, its response to question 9.8.

10.9.4 There has been long discussions within the Council during the production of the Local Plan as to whether this should be an approach that the Local Plan should take especially as some settlements such as Austrey over the recent years have had a large number of new dwellings.

10.9.5 In terms of the Main Settlements if a figure were to be introduced it should be a minimum requirement. As Category 2 (Category 3 as proposed to be amended – MM23) are not settlements within North Warwickshire it is difficult to see how a percentage or target could be used. In Category 3, Local Service Centres (Category 4 as Proposed to be amended – MM23) are by definition more sustainable than the lower category settlements. However there is a limit to the

**NORTH WARWICKSHIRE BOROUGH COUNCIL
LOCAL PLAN EXAMINATION**

amount of development that these should or could take and one of the key factors would be to tie the development into the provision of appropriate infrastructure.

10.9.6 The Matthew Taylor Report does encourage development in the smaller settlements in order to assist with their viability and vitality. However this needs to be balanced against the fact that the smaller the sites the less likely they will provide contributions towards infrastructure improvements. Accumulatively these developments can add up and not make an appropriate contribution to improving services and facilities of that settlement.

10.9.7 If it is considered that there should be a proportion targeted to the category of settlement. This could simply be that the majority of development will be targeted towards the Category 1 and 2 categories as shown by the allocations in the Local Plan. Alternatively the Main Towns could be a minimum figure whilst those for the Category 4 and 5 (as proposed to be amended) could be a maximum figure.

(d) Is the approach outside of settlements, i.e. ‘category 5’, consistent with paragraph 55 of the NPPF2012? Does it provide suitable flexibility and reflect other types of development that may come forward in rural areas?

10.9.8 The Borough Council suggests some changes to the wording of LP2 as it refers to Category 5 settlements.

Suggested Modifications

<i>Chapter</i>	<i>Para</i>	<i>Proposed Modification</i>	<i>Main Mod or Additional Mod</i>	<i>Reason</i>
7	LP2	<p><i>Change to Category 5 to read:</i></p> <p><i>All Development</i></p> <p><i>Outside of development boundaries</i></p> <p><i>only development for agricultural and forestry purposes or for other uses requiring a rural location will be permitted, subject to the need being justified. <u>Other development will be considered on their merits and under other policies in this Plan.</u></i></p>	Main	To comply with NPPF

(e) Is policy LP22 ‘New Services and Facilities’ necessary in addition to LP2?

10.9.9 It is considered that LP22 is necessary as it provides more detail to that included in LP2 but can see the logic of having part of LP22 included in LP2 if required, but this would make LP2 longer. The Council has suggested an approach which combines LP21, 22 and 23 into one policy. This is shown in response to question 10.30(b).

10.10 Policy LP3, Green Belt

(a) are MM24 and MM27 necessary to clarify Green Belt policy in accordance with NPPF2012 paragraph 83?

10.10.1 Yes MM24 and MM27 are considered to be necessary. This would also be in accordance with paras 143 to 147 of the NPPF2019.

(b) With regard to issue 10.1, for effectiveness should Local Plan paragraphs 7.17 to 7.14 and section 5 of policy LP3 be relocated within the development management section of the Local Plan?

10.10.2 The Borough Council is of the opinion that the Green Belt policy should remain as one or together in one place of the Plan. In addition this is supported by the practitioners of the Local Plan, the Development Control team, who consider it is helpful to keep them together as it makes the Local Plan more useable and easier for the general public to read and understand.

(c) What is the justification for certain settlements being defined by a settlement boundary and others a Green Belt infill boundary?

10.10.3 The infill boundaries would allow very low levels of development in accordance with the NPPF 2019 para 145(e). Many of the villages in North Warwickshire are scattered and so limited infill would be difficult and the Borough Council felt it important to define what is a village and so where would infill be permissible. Settlement boundaries however allow much more than just infill.

10.10.4 The Green Belt infill boundaries were looked at following the publication of the NPPF in 2012. It was considered that these needed to be defined and included within the forthcoming Draft Site Allocations Plan. A report was considered by the

**NORTH WARWICKSHIRE BOROUGH COUNCIL
LOCAL PLAN EXAMINATION**

LDF sub-committee on 18 December 2012. There was then consultation on the Preferred Issues and Options between 20/02/2013 and 23/05/2013. A further consultation was carried out in 2014 with the infill boundaries shown again (21/6/2014 to 21/08/2014) however with a slight amendment to the boundary of Lea Marston to exclude farm buildings, which include a farm shop, to the north west of the village.

10.10.5 In relation to the settlements which have the Green Belt going around them, these are essentially brought forward from the 1995 Local Plan which excluded the settlements from the Green Belt. Previously many of these settlements were washed over by the Green Belt so not allowing for the redevelopment of sites except where evidence was produced. On the review of the 2006 Local Plan it was considered there were sufficient sites within those settlements and sites outside of the Green Belt which could cater for the envisaged growth so no changes were made to the Green Belt boundaries. For this Local Plan essentially the same conclusion has been taken except in a few minor cases as there are sufficient sites beyond the Green Belt which will cater for the growth of the Borough.

(d) Case law has established that there is a qualitative element to determining whether extensions to, or replacements of, dwellings are disproportionate or not materially larger with reference to NPPF2012 paragraph 89. In that context are policy LP3 criteria 5)b) and 5)c) justified?

10.10.6 The Borough Council suggest some changes are made to LP3 to make the policy clearer.

Suggested Modifications

Chapter	Para	Proposed Modification	Main Mod or Additional Mod	Reason
	LP3	<i>5b) Extensions will be considered to be disproportionate if they individually or cumulatively exceed 30% in volume of the original building based on the merits of each individual case. Both quantitative and qualitative criteria will be used in this assessment. For the purposes....</i>	Main	To comply with NPPF

**NORTH WARWICKSHIRE BOROUGH COUNCIL
LOCAL PLAN EXAMINATION**

		<p>5c) A replacement building will be considered to be materially larger <i>if it is 30% larger in volume than the building it replaces. based on the merits of each individual case. Both quantitative and qualitative criteria will be used in this assessment.</i> Replacements should be located on the same footprint as the existing building unless there are material benefits to the openness of the Green Belt or, when environmental and amenity improvements indicate otherwise. For the....</p>		
		<p>Change to the RJ in paras 7.21. and 7.22 to make it clear that 30% is used as a guide and qualitative measures are already included.</p>		

10.11 Policy LP4, Safeguarded Land for Potential Future Development

(a) are MM27 and MM28 necessary to ensure policy LP4 is consistent with NPPF2012 paragraph 85?

10.11.1 Yes the Borough Council agrees to MM27.

10.11.2 In relation to MM28 the Borough Council would point to the NPPF 2012 (para 85 (3rd bullet)) and the NPPF 2018 (para 139(c)) which say “between the urban area and the Green Belt” which implies that the safeguarded land is a zone between the two so not in the Green Belt nor in the urban area.

(b) is it clear what circumstances would require a review of whether to release land safeguarded in the Green Belt?

10.11.3 In the Council’s opinion it should only be on the review of the Local Plan that land is released from its safeguarded status. This is covered by paragraph 1.8 of the Local Plan. It is not considered necessary to list what would trigger a local plan review as

it could be for a whole host of reasons. In addition a review process is also required within 5 years of adoption by para 33 of NPPF2019.

Additional Issue

10.11.4 As a result of the publication of the Draft Environmental Statement (ES) for HS2 Phase 2b which has been added as an additional document (AD41) it would appear that any future development of the land that is being proposed to be safeguarded would not be possible. It is the Council's opinion that the land should still be safeguarded at the present time as the ES is only in Draft form. It will not be until later this year that we expect to see the final ES which will accompany the HS2 Bill, which may alter the proposals for construction and mitigation.

10.12 Policy LP5, Meaningful Gap

10.12.1 No specific questions as addressed under strategic matter 6, planning and environmental constraints.

10.13 Policy LP6, Amount of Development

10.13.1 Although the Inspector has no specific questions the Borough Council would like to comment on the additional Sustainability Appraisal work (AD45) and its impact on the Local Plan.

10.13.2 The additional Sustainability Appraisal work (AD45) looked at the three levels of housing growth of 5,808, 7,963 and 9,598. The report concludes:

"In our view, the difference in effects for the environmental SA objectives between the high and the middle growth alternatives are not that marked, and therefore the priority in sustainability terms should be to ensure that North Warwickshire's contribution to the unmet housing needs of Birmingham is fully achieved, so long as it is deliverable." (LUC Report February 2019, para 1.67)

10.13.3 The key point is that however ambitious or aspirational the Borough Council is about the amount of growth it wants to pursue making sure it is deliverable and that it is accompanied with the right infrastructure is crucial. To this end the Borough Council would like to explore with the Inspector a way forward which will take on board the conclusions and many of the comments made at the hearings whilst

striving to achieve the full amount of housing provision it has committed to delivering.

10.13.4 One option would be that there is a stepped housing target. This would mean that subject to Phases 1 and 2 of the A5 improvements 7963 units will be delivered. Once Phases 3 and 4 of the A5 improvements have been delivered the full 9598 housing number will be delivered. WCC Highways and Highways England will influence the actual capacity of the road network to deliver the housing when planning applications are submitted.

10.13.5 It is not proposed to delete any housing allocations but to retain all of them. This would mean that the Borough Council remains committed to delivering the full 3790 for the GB HMA by 2033, but the Local Plan takes into account the delivery of such a major piece of infrastructure.

10.13.6 The Borough Council is happy to discuss and explore with the Inspector other options of linking the delivery to infrastructure delivery.

10.14 Policy LP7, Housing development

(a) for effectiveness, should the evidence underpinning LP7 be referenced, for example in respect of demography or those registered with the Council in relation to the Self-build and Custom Housing Act 2015 (as amended)?

10.14.1 Yes. The Borough Council is happy for reference to be made to the 2011 Census and the Council's register for Self-build and Custom Build Housing.

(b) Are policy LP7 requirements in terms of the needs of different members of the community intended to be Borough-wide or location specific?

10.14.2 The requirements of LP7 are intended to be Borough wide.

(c) With regard to the Public Sector Equality Duty, should housing provision related to those with mobility issues or other special needs be defined as a set proportion? Should reference be made in that context to optional technical housing standards as the mechanism for delivery?

10.14.3 The Borough Council tends to act on a site by site basis in accordance with demand at the time of the planning application. This means that there is a known demand for the take up of the specialist properties. With strong links to the County Council the Borough has developed specialist accommodation on this basis to meet its needs. However, the Borough Council is keen to broaden the supply of different types of accommodation and if a set proportion would enable this then the Borough Council would be keen to discuss this.

10.14.4 In terms of the space standards the Council is keen to refer to these wherever possible. It has come to light from our Housing Division that where these space standards are not implemented the Borough Council cannot get a Registered Social Landlord to take properties over. This means that as a minimum the national space standards should be adopted and it is the Borough Council's opinion that this should be for both affordable and market housing.

(d) What is the justification for requiring that certain types of housing are required only on sites exceeding 100 homes?52

10.14.5 It was considered that larger sites would be able to provide for a wider mix of accommodation and so the threshold was set at 100 units to get the full range of the different types. This may be considered to be on the generous side but felt necessary to ensure that the majority of sites coming forward would automatically agree to such policy requirement.

10.15 Policy LP8, Windfall allowance

(a) Noting MM45, MM46 and MM47, how should policy LP8 be revised in the light of evidence of windfall evidence presented at examination [NWBC18]?

10.15.1 The Borough Council considers that the additional evidence supports the view that windfalls will play an important part of the source of supply for the housing supply.

(b) With regard to NPPF2012 paragraph 154, does policy LP8 give a clear indication of how a decision-taker should respond to a proposal for windfall development? If not, should it instead be treated as a component of housing supply, or referred to in policy LP32 regarding the design principles used to determine the acceptability of development?

**NORTH WARWICKSHIRE BOROUGH COUNCIL
LOCAL PLAN EXAMINATION**

10.15.2 The Borough Council suggests that policy LP8 is incorporated into *LP6 Amount of Development* and also included in Chapter 14 under housing supply where it could be incorporated in to the RJ for policy LP39.

10.16 Policy LP9, Affordable housing provision

(a) Does policy LP9 require affordable housing provision in accordance with NPPF2018 paragraph 63 with regard to the scale of schemes? If not, why not?

10.16.1 The Borough Council suggest that the wording is changed to reflect the NPPF and that instead of 10 units it should be major developments.

Suggested Modifications

<i>Chapter</i>	<i>Para</i>	<i>Proposed Modification</i>	<i>Main Mod or Additional Mod</i>	<i>Reason</i>
8	LP9	On schemes of more than 10 dwellings <u>All major developments will provide 30%....</u>	Main	To comply with NPPF

(b) should the approach to affordable housing provision and associated contributions be consistent with NPPF2012 paragraph 50?

10.16.2 It is considered that the Local Plan is consistent with paragraph 50 of NPPF2012 except for one matter. Although the first paragraph does make it clear that the percentage provision of affordable housing should be on-site the second paragraph makes this less clear. The Borough Council would suggest that the 2nd paragraph is altered to make it clear that the Borough Council would prefer, in accordance with the NPPF, on site provision.

Suggested Modifications

<i>Chapter</i>	<i>Para</i>	<i>Proposed Modification</i>	<i>Main Mod or Additional Mod</i>	<i>Reason</i>
	LP9	This will be achieved through on-site provision or <u>Where on-site affordable housing provision is not possible a</u> through <i>financial contribution in lieu of providing affordable housing on-site may be considered only if:</i>	Main	

**NORTH WARWICKSHIRE BOROUGH COUNCIL
LOCAL PLAN EXAMINATION**

		<ul style="list-style-type: none"> • <u>There is clear evidence to support it being provided elsewhere;</u> • <u>It is capable of being delivered elsewhere; and,</u> • <u>. This will be it is calculated....</u> 		
--	--	---	--	--

(c) With reference to MM50 and MM51, are affordable housing and starter home requirements, as set out in Local Plan paragraphs 8.16 and 8.17 in accordance with statutory provisions and the approach in the PPG?

10.16.3 The Borough Council consider that the affordable housing policy is consistent with the NPPF. The requirement is that 10% of sites should be starter homes which will then benefit with a 20% discount. The policy refers to a mix of housing but indicates that it is looking for 85% as affordable rent and then 15% as intermediate tenure. Starter homes would fall in the 15% intermediate tenure amount.

10.16.4 Paragraph 8.17 needs to be altered to reflect the Government response to the 20% requirement at paragraph 30, of the technical consultation on starter homes regulations by DCLG in February 2017. The response said, “*However, we have taken the decision not to implement a compulsory starter homes percentage requirement on all sites at this point in time.*” The paragraph needs to refer to a minimum requirement of 10% and that starter homes fall within the definition of intermediate tenure.

(d) is greater specificity needed in paragraph 8.18 to enable a robust determination to be made as to whether sites coming forward at different times represent part of a larger whole?

10.16.5 It is suggested that additional wording is added to para 8.18 to explain that this will usually be identified, but not always, through the use of the same access point; or, the planning unit is clearly larger than applied for; or, boundaries are not artificially drawn; or, boundaries follow clear boundaries; and, is likely to be adjoining parcels of land.

**NORTH WARWICKSHIRE BOROUGH COUNCIL
LOCAL PLAN EXAMINATION**

Suggested Modifications

<i>Chapter</i>	<i>Para</i>	<i>Proposed Modification</i>	<i>Main Mod or Additional Mod</i>	<i>Reason</i>
8	8.18	<p>Add the following after 2nd sentence the following:</p> <p><u>Such land will usually be identified, but not always, through the use of the same access point; or, the planning unit is clearly larger than applied for; or, boundaries are not artificially drawn; or, boundaries follow clear boundaries; and, is likely to be adjoining parcels of land.</u></p>	Additional mod	

10.17 Policy LP10, Gypsy & Travellers sites

10.17.1 No specific questions as addressed in earlier sessions.

10.18 Policy LP11, Economic regeneration

(a) is policy LP11 consistent with NPPF2012 paragraph 22?

10.18.1 The Borough Council considers that this policy is consistent with the NPPF.

(b) is MM53, is the deletion of the third bullet of LP11 necessary for effectiveness?

10.18.2 The Borough Council is content with the deletion of the third bullet point of policy LP11. In addition it would suggest that small scale is replaced by established/ lawful.

Suggested Modifications

<i>Chapter</i>	<i>Para</i>	<i>Proposed Modification</i>	<i>Main Mod or Additional Mod</i>	<i>Reason</i>
	LP11	<p>Deletion of 3rd point – There are no alternative employments that could use the site.</p> <p>Support and encouragement will be</p>	Main	Compliance with NPPF

**NORTH WARWICKSHIRE BOROUGH COUNCIL
LOCAL PLAN EXAMINATION**

		<i>given to <u>small-scale established / lawful</u> rural businesses to expand <u>where this</u> <u>has no significant and demonstrable</u> <u>harm.</u></i>		
--	--	--	--	--

10.19 Policy LP12, Employment areas

(a) should this policy precede, or be referred to directly, in policy LP11 which includes provision for safeguarding employment land?

10.19.1 The Borough Council supports LP12 coming before LP11.

(b) are all sites defined on the policies map?

10.19.2 All of industrial estates were shown on the Proposals Map for the 2006 Local Plan. The Borough Council will carry these forward but will update them to reflect the additional permissions such as Core 42 since that time. The Borough Council will supply a set of these plans.

(c) are employment areas proposed for safeguarding supported by appropriate evidence regarding their existing use, capacity and ongoing viability?

10.19.3 The estates listed are those industrial estates which are the main employment sites in the Borough that are located in areas where the Borough Council would encourage expansion of the existing occupiers and would not want to see them developed in whole or part for housing.

10.19.4 The different estates serve different parts of the market. Birch Coppice and Hams Hall are generally geared towards the large occupiers - big sheds. Kingsbury is a site with a mix of smaller and large units going down to an estate like Colliers Way (located off Spring Hill) New Arely which has a range generally of smaller units. The Chamber and CWLEP in their representations talk about the lack of space and the need to keep sites that are generally smaller in size that can accommodate a range of sizes of businesses and at a range of affordability. These industrial estates are therefore important to maintaining a wide economic base within the Borough.

(d) why would B8 uses at Colliers' Way, New Arley and Manor Road be prevented?

10.19.5 The main reason that Colliers' Way, New Arley and Manor Road, Mancetter are restricted to B1 and B2 uses is due to their location. Both sites have been industrial estates for many years. Colliers Way was a former colliery site whilst Manor Road was a historical employment site. Both are located in areas that the Borough Council would not want to encourage B8 uses as they are typically major road haulage users. These estates are located in areas close to residential properties. In the case of Colliers Way it has to be accessed through country lanes. In the case of Manor Road it is accessed via small residential roads with schools close by.

10.19.6 The Borough Council requests that the Inspector visits these estates and explore their localities.

10.20 Policy LP13, Rural Employment

(a) Is MM54, relocating this policy to the development management section of the plan, necessary

10.20.1 The Borough Council would prefer that LP13 remains within the employment section of the Local Plan.

(b) Is policy LP13 sufficiently flexible in respect of supporting rural growth with reference to NPPF2012 paragraph 28?

10.20.2 Yes the Borough Council considers that LP13 is sufficiently flexible in respect of supporting rural growth. Farm diversification refers to new uses whilst the reuse of existing rural buildings is not restrictive on the end use. A preference is given in the final paragraph of the policy. It is suggested however that some changes are made to this paragraph to make it clearer.

Suggested Modifications

<i>Chapter</i>	<i>Para</i>	<i>Proposed Modification</i>	<i>Main Mod or Additional Mod</i>	<i>Reason</i>
	LP13	<i>Provided that the building meets these pre-conditions the preferred re-use of the building would be one for a rural</i>	<i>Main</i>	

**NORTH WARWICKSHIRE BOROUGH COUNCIL
LOCAL PLAN EXAMINATION**

		<i>business <u>or one that supports an established rural business</u> or other employment opportunity or one that would provide a community facility or service.</i>		
--	--	---	--	--

(c) What is the justification for requiring direct access to the trunk or distributor road network and including elements on heritage to policy LP31?

10.20.3 The Borough has many rural lanes and roads. Some are single carriageway with high hedges – for example Pump Lane, Shawbury Lane, lanes off Green Lane. Many of the lanes / roads have no footpaths with pedestrians, cyclists and horses on them and with signs saying unsuitable for HGV's. Rat running is a major problem through the country lanes. It is one of the most common causes of representations on planning applications. Rural buildings are part of the Borough's character and distinctiveness. There are many remaining throughout the Borough. Therefore the Borough Council considers it is important to maintain this consideration within the policy. An applicant can make a case for why a building not close to a trunk or distributor road should come forward for development. For example it may be that the intensity of the use may need to be considered in more detail.

(d) should permissible uses be defined more specifically for effectiveness?

10.20.4 It is not considered that the permissible uses should be defined because inevitably one would be missed. The Use Classes are too broad. It is not intended that the policy be overly prescriptive. Farm diversification by definition can mean a wide range of opportunities which could be explored to support the farm.

10.21 Policy LP14, Landscape

(a) Should specific reference be made to the Landscape Character Assessment for North Warwickshire?

10.21.1 It is suggested that this is added to paragraph 10.2.

10.22 Policy LP15, Historic environment

(a) how is the Historic Landscape Characterisation document referred to in paragraph 10.10 different from the Landscape Character Assessment referred to in policy LP14?

10.22.1 LP14 is about the impacts of development on the character of the landscape. Paragraph 10.10 is talking about the historic landscape and the evidence which sits behind this and which feeds into consideration of the historic environment. They are closely related but different in terms of what they relate to.

(b) Is policy LP15 (and criterion 10 of LP31) consistent with the relevant provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990, specifically the approach to preserving or enhancing heritage assets?

10.22.2 Interestingly the NPPF refers to conserve and enhance whilst the above Act refers to preserve and enhance. Historic England in their representations asked for it to be changed to preserve and enhance but after discussions and the wording of the NPPF were content with keeping “conserve and enhance”.

(c) Are policy requirements regarding traffic and the historic environment justified?

10.22.3 The inclusion of traffic assessments in the historic environment was at the request of Historic England in their representation DMP4 on the Draft Development Management Plan 2015. This is referred to Appendix A of the Planning and Development Board on 13 June 2016 (https://www.northwarks.gov.uk/meetings/meeting/556/planning_and_development_board).

10.22.4 Development should not be engineering led in the context of heritage legislation. For example, character and appearance of a Conservation Area is more than just the design of the building. It includes ambiance and sense of place.

10.23 Policy LP16, Natural Environment

(a) Do the Green Infrastructure Strategy referred to in Local Plan paragraph 10.17 and the Biodiversity Impact Assessment Calculator referred to in policy LP16 provide a clear basis for determining how development may be brought forward with appropriate regard to biodiversity?

10.23.1 Yes it is considered that they do. Biodiversity offsetting in Warwickshire was a pilot scheme which has been taken on board nationally. It is recognised and understood by the development industry and is being used in many planning applications.

(b) Does policy LP16 protect sensitive sites appropriately in accordance with their ecological value and status? With reference to draft MM58, is policy LP16 consistent with the approach to avoiding, mitigating and compensation for ecological effects in accordance with NPPF2012 paragraph 118?

10.23.2 The Borough Council considers that the policy is consistent. It recognises and differentiates both status and value of sites. The policy identifies the need for surveys and refers to the NPPF cascade.

10.24 Policy LP17, Green infrastructure

(a) with reference to MM58, is policy LP17 consistent with NPPF2012 paragraph 118 and does it provide a clear basis for decision-taking? Is associated evidence referenced and accessible?

10.24.1 The Borough Council accepts the proposed change under MM58 but would also request that the word pilot is now also deleted.

10.25 Policy LP18, Tame Valley Wetland Nature Improvement Area (NIA)

(a) should the policy require, rather than encourage, maintenance and enhancement of the NIA for effectiveness?

10.25.1 The Borough Council supports this change.

10.26 Policy LP19, Local Nature Reserves

(a) are the Local nature Reserves referred to in paragraph 10.28 defined on the policies map? Is that a comprehensive list including Riverside, Atherstone?

10.26.1 Yes the areas are shown on the policies map. It is a comprehensive list of LNR's as well as indicating the proposed LNR at Riverside, Atherstone

(b) should policy LP19 refer to sites being protected or enhanced, as the two may not be possible simultaneously.

10.26.2 The intention was that the areas designated would be protected from any loss. In addition they would be enhanced wherever possible. If there is a choice to be made then the Borough Council would prefer to seek enhancements of these areas as the LNR designation should protect them.

10.27 Policy LP20, green spaces

(a) Is the 2017 version of the Green Space Strategy referred to in Local Plan paragraph 10.34 now available?

10.27.1 The Green Space Strategy is available in a Revised Draft format following consultation. It has been approved for a further round for consultation which will be open for comments until 31st May 2019. A report will then be collated and presented to Board In July 2019. Once the document has been approved a new Action Plan will be prepared to take over from the current Action Plan, which is coming to the end of its 15 year programme. The figures in the IDP relate to this latter Action Plan and the figures will be updated in the IDP once the new Action Plan has been approved.

(b) Are the Green Spaces identified via policy LP20 local Green Space with reference to NPPF2012 paragraph 76? If so, are they consistent with Local Green Space policy and guidance?

10.27.2 Yes it is considered that the Green Spaces shown on the Policies Map show sites that are supported locally for many years and will endure beyond the Plan period in accordance with the NPPF.

10.28 Policy LP21, Town Centres and Neighbourhood Centres

(a) What is the intended consequence of Local Plan paragraph 11.2 which states that 'existing retail uses will be protected in accordance with the settlement hierarchy and developed further within the site allocations plan'? Is a different approach proposed in settlements of different sizes?

10.28.1 The policy is expected to complement LP2. It is suggested that policies LP21, 22, and 23 be combined. Some suggested wording is provided below.

10.28.2 The wording of the policy should not refer to the site allocations plan and this reference be deleted.

(b) Is policy LP21, and associated mapping, consistent with NPPF2012 paragraph 23? That paragraph sets out that primarily and secondary shopping frontages should be clearly identified and used as the basis for defining the extent of town centres and primary shopping areas.

10.28.3 The town centres for the three market towns are relatively small compared to many centres elsewhere. It is not considered appropriate or necessary to designate secondary frontages as this in essence is everything not identified as a primary shopping frontage area. The primary shopping frontages have been included and are shown on the policies map.

(c) Are restrictions in policy LP21 on changes from retail uses justified, including seeking to prevent a disproportionate concentration of uses? How would compliance with those aspects of policy LP21 be demonstrated in practice?

10.28.4 It is suggested that compliance of this policy would be through survey work by the applicant.

10.29 Policy LP22, New services and facilities (see also LP2)

(a) What is the justification for a threshold of 15 or 100 units for assessing effects on services and facilities? Should those thresholds be consistent with policy LP23?

10.29.1 It is suggested that this is changed to refer to "*all major development*".

10.30 Policy LP23, Loss of services and facilities

(a) How is policy LP23 intended to operate in relation to permitted development rights?

**NORTH WARWICKSHIRE BOROUGH COUNCIL
LOCAL PLAN EXAMINATION**

10.30.1 It is not intended that this policy interferes with PD rights. However, where development requires permission it will be considered against the Local Plan as a whole including this policy.

(b) Should elements of policy LP23 related to town centres instead feature in policy LP21?

10.30.2 It is suggested below that policies LP21, 22, and 23 be combined and some suggested wording is provided below.

Suggested Modifications to Policy LP21, LP22 and LP23

<i>Chapter</i>	<i>Para</i>	<i>Proposed Modification</i>	<i>Main Mod or Additional Mod</i>	<i>Reason</i>
		<p>New combined policy: <u>LP21 Services and Facilities</u> <u>LP21 Town Centres and Neighbourhood Centres</u></p> <p>A Town Centre Boundary and with a is defined Core Shopping Frontages zone is <u>are</u> defined on the Proposals Map for the Market Towns of Atherstone with Mancetter, Coleshill and Polesworth with Dordon.</p> <p>The following areas are designated as Neighbourhood Centres <u>are defined on the Proposals Map</u> in the following locations:</p> <ol style="list-style-type: none"> 1. Browns Lane & New Street Shopping parade, Dordon; 2. Jubilee Court, Tamworth Road, Kingsbury; 3. Station Buildings, Birmingham Road, Water Orton; and, 4. 82 to 102 Coleshill Road, Chapel End, Hartshill <p><u>The loss of retail uses within town centre boundaries and particularly within defined neighbourhood centres and primary shopping frontages will only be supported if:</u></p> <ul style="list-style-type: none"> • <u>it can be shown that there is no reasonable prospect of retention of the use;</u> • <u>occupation is by an alternative retail or mixed community/retail use; and,</u> • <u>there would be no adverse impact on the retail choice and availability.</u> <p><u>Mixed use proposals, including those with residential uses, will be appropriate.</u> <u>Proposals that would have a detrimental impact on the viability and vitality of centres will not be permitted.</u></p> <p>Within the Core Shopping frontages and</p>		

**NORTH WARWICKSHIRE BOROUGH COUNCIL
LOCAL PLAN EXAMINATION**

	<p>Neighbourhood Centre shopping parades further loss to non-retail uses such as hot food takeaway, estate agents or other A2 (Non Deposit taker) and A3 uses will be restricted unless:</p> <ul style="list-style-type: none"> • clear evidence is available justifying the loss and change of use, and • there will be no adverse impact on the retail choice and availability in the frontage or centre. <p>Change of use to hot food takeaway, estate agents or other A2 (Non Deposit taker) and A3 uses will be restricted if there is a disproportionate over concentration of these uses. The following factors will be taken into account: the existing mix of uses; the impact on customer behaviour; the proximity of education establishments; the deprivation levels in the area and the cumulative highway and environmental impacts. Robust justification using a sequential approach will be required to avoid a disproportionate concentration of uses.</p> <p><i>Disproportionate Concentration</i> The disproportionate concentration of uses will not be supported. The following factors will be taken into account: the existing mix of uses, the impact on customer behaviour, the proximity of education establishments, the deprivation levels in the area and the cumulative highway and environmental impacts. Robust justification using a sequential approach will be required to avoid a disproportionate concentration of uses.</p> <p>LP22 New Services and Facilities Development proposals for new shopping, office, entertainment, hotel and leisure uses services and facilities together including with new community, social, health and education facilities or mixed residential/commercial uses should be directed towards the town centres of the Market Towns or within the development boundaries of the Local Service Centres. Each such development should be commensurate in scale and nature with the role and function of the settlement concerned and the size of the catchment area such that it does not result in adverse highway, environmental or viability and vitality impacts. This section be moved to LP2</p> <p>Dual or multiple uses of sites or “hubs” providing services and facilities for individual or groups of settlements will be encouraged</p> <p>In all developments over 15 units developments must consider the impact on the provision of services and facilities must be considered and where there is an impact this must be addressed. Within housing sites larger than 100 units All</p>		
--	--	--	--

**NORTH WARWICKSHIRE BOROUGH COUNCIL
LOCAL PLAN EXAMINATION**

		<p>major developments should provide land and / or financial contributions will be sought to enable the provision of additional services and facilities to take place.-(section moved to end of policy)</p> <p>LP23 Loss of Services and Facilities</p> <p>Proposals resulting in the loss of an existing service or facility, such as health care premises and also including retail uses, which contribute to the functioning of a settlement or the public health and well-being of its community, will only be supported if:</p> <ol style="list-style-type: none"> a) an equivalent facility or service is wholly or partially provided elsewhere, in an equally or more accessible location within that settlement; b) the land and buildings are shown to be no longer suitable for continued use in terms of their location, design and/or construction, c) it can be demonstrated by evidence that there is no realistic prospect of an alternative service or facility using the site, such as through an appropriate marketing campaign or the internal procedures of the parent organisation; and, d) its loss will not harm the vitality of the settlement. <p>In particular the loss of retail uses within town centre boundaries and particularly within defined neighbourhood centres and primary shopping frontages as defined elsewhere in this Plan, will only be supported if it can be shown that there is no reasonable prospect of retention of the use; occupation by an alternative retail or mixed community/retail use, or that there would be no adverse impact on the retail choice and availability. Mixed use proposals, including those with residential uses, will be appropriate. In all developments over 15 units</p> <p>All major developments must consider the impact on the provision of services and facilities must be considered and where there is an impact this must be addressed. Within housing sites larger than 100 units All major developments should provide land and / or financial contributions will be sought to enable the provision of additional services and facilities to take place.</p>	
--	--	---	--

10.31 Policy LP24, Recreational provision

(a) With reference to Local Plan paragraph 11.7, how does the Council's Open Space, Sport and Recreation Audit relate to the Open Space Study?

10.31.1 The Open Space, Sport and Recreation Audit prepared by the Borough Council was an audit of all of types of open space, sports and precreation. The Open Space Study was a study using the information from the audit and provides information on how planning obligations will be determined. This is document CD6/11.

(b) Does the methodology for provision need to be set out in further detailed guidance or a Supplementary Planning Document to ensure clarity?

10.31.2 Yes and this is CD6/11.

10.32 Policy LP25, Transport assessments

(a) With reference to Local Plan paragraph 12.9, is the Transport Strategy for the Borough now published?

10.32.1 No this has not yet been published. A Draft Issues and Options paper has been prepared and will be consulted upon in May/June time of this year. It is intended that a final North Warwickshire Transport Strategy will be completed by the end of the year and then incorporated into an updated Local Transport Plan in the coming years.

(b) What is the justification for thresholds where transport assessments are required (appendix G to the plan) with reference to NPPF2012 paragraph 32 which refers simply to proposals which ‘generate significant amounts of movement’?

10.32.3 It is suggested to add the word indicative at the top of Appendix G to make it clearer and so it corresponds to the wording in the policy.

10.33 Policy LP26, Stations

10.33.1 Following the discussion for Matter 7 a suggested modifications has been discussed with Mr Atkin. The Borough Council would suggest the following changes which incorporates some but not all of the suggested changes proposed by Mr Atkin. Mr Atkin’s version of the policy is attached as Appendix C. The reason the Borough Council has not incorporated all of the suggested changes is because the list of station improvements should not be an exclusive list as there may be

**NORTH WARWICKSHIRE BOROUGH COUNCIL
LOCAL PLAN EXAMINATION**

other improvements that should be encouraged and / or possible. All of the projects have been put into one list rather than dividing it into principal stations and other stations. For example, if Water Orton were seen as an “other station”, which current services may indicate, it may mean that opportunities to broaden its services and facilities may not be fully explored.

Suggested Modifications to Policy LP26

<i>Chapter</i>	<i>Para</i>	<i>Proposed Modification</i>	<i>Main Mod or Additional Mod</i>	<i>Reason</i>
	LP26 Stations	<p>Further improvements will be encouraged and sought at existing stations. Specifically: In particular: improved car parking facilities will be explored for Atherstone Railway Station improved services, provision of new footbridge and parking facilities at Polesworth Station improved connectivity to and between all railway stations to ensure integrated facilities for buses, walking and cycling.</p> <ul style="list-style-type: none"> ● New Railway Stations Land west of Railway Bridge at Spring Hill, Arley and land adjoining Trinity Road Railway Bridge, Trinity Road, Kingsbury are safeguarded new stations and are shown on the Proposals Map. Feasibility work will be carried out to assess the possibility of re-opening Polesworth Station. If this is not possible then the study will investigate the relocation of the station. The area of search will be along the WCML southwards from the current station as follows:- <ul style="list-style-type: none"> ● Specifically, land that adjoining the existing car park alongside platform 1, shown on the proposals map, will be safeguarded for use as a car park extension at Atherstone station and positively pursued with the relevant, responsible parties early in the plan period. Other additionally, potential car parking opportunities will be investigated; ● Improved services and pedestrian access arrangements between platforms for able bodied and disabled users to meet DDA standards at Atherstone station; ● Additional car parking provision at 	Main Mod	

**NORTH WARWICKSHIRE BOROUGH COUNCIL
LOCAL PLAN EXAMINATION**

		<p><i>Coleshill Parkway station;</i></p> <ul style="list-style-type: none"> • <i>Investigation into improved services, provision of a new footbridge and parking facilities at the existing Polesworth station will be pursued. If this is not feasible including research into a new Parkway station <u>will be pursued</u>. The area of search will be along the WCML southwards from the current station;</i> • <i>The sites shown on the proposals map for new stations at Kingsbury and Arley will be safeguarded and pursued in the context of the WMRE Strategy; and,</i> • <i>The continuance of services and facilities at Water Orton Station will be supported.</i> <p><i>Financial contributions towards the provision of the measures identified in this policy will be sought in accordance with policy xx (Refer to policy referring to provision of infrastructure currently LP1). .</i></p>		
		The WMES Strategy to be added as a piece of evidence to the list in Appendix C.		

10.34 Policy LP27, Railway lines

(a) How does policy LP27 relate to HS2 safeguarding directions? Do they have different purposes, i.e. to prevent wider development that may adversely affect ability to deliver HS2 as referred to in Local Plan paragraph 12.18?

10.34.1 The area shown as safeguarded on the policies map is purely the area under the safeguarded directions. The area for Phase 1 is precise and is within the HS2 Phase 1 Act. Phase 2b is not precise and will not be until the Bill has been enacted. The Act for Phase 2b similar to Phase 1 will identify the outer limits of land take required for the construction of the route.

10.34.2 The Borough Council wanted to reflect the safeguarding areas as they are part of a national infrastructure project and have a major impact on the Borough but clearly the safeguarded area for Phase 2b will be altered. This could be dealt with by adding a note that the safeguarded area is correct as of the time of adoption of the Local Plan.

**NORTH WARWICKSHIRE BOROUGH COUNCIL
LOCAL PLAN EXAMINATION**

10.34.3 Following discussion at Matter 8 hearing it is suggested that the policy makes it clear that the Borough Council will consider replacement buildings and structures favourably if a lawful businesses and buildings have been displaced. This would include a replacement Motorway Service Station.

Suggested Modifications to Policy LP27

<i>Chapter</i>	<i>Para</i>	<i>Proposed Modification</i>	<i>Main Mod or Additional Mod</i>	<i>Reason</i>
12	LP27	Add as a 4 th paragraph in the policy under High Speed Rail: <u>The Borough Council will consider proposals for the replacement of lawful buildings and structures favourably if their demolition / removal are required by HS2 Ltd.</u>	Main	

10.35 Policy LP28, Strategic Road Improvements

(a) What is the outcome of the study referred to in the first sentence of that policy, with reference to MM60?

10.35.1 The study referred to is the A5 Strategy called, “*Supporting Growth and Movement in the Midlands 2018-2031*” prepared by the A5 Transport Partnership (CD8/18D). It is agreed MM60 is required to clarify this.

(b) Is there robust evidence that dualling of the A5 is viable and achievable via reserve allocation RH1?

10.35.2 The dualling of the A5 through the site RH1 is phase 3 of the A5 improvements. The timescales of delivery of the current HIF bid has meant that it could not be included in that bid. Phases 1 and 2 are to be completed and operational by 2024. The modelling carried out by Vectos for WCC indicates that the Phase 3 section of the A5 is an important element of making the A5 a robust road for the future. Further information will be provided by WCC in their additional paper on the A5 as requested at the Matter 7 hearing session.

(c) What, if any, are the implications of the application by Highways England for a Development Consent Order related to M42 junction 6?

10.35.3 The DCO relating to M42 covers the area south of Junction 6 of the M42 which is outside of North Warwickshire in Solihull MBC's area. It is for a new junction which will become junction 6a. It incorporates land for a possible future MSA but does not specifically make such a proposal. Any road improvements will help the Borough even marginally but it is unlikely to have a major direct impact on the Borough.

10.36 Policy LP29, Walking and cycling

(a) should policy LP29 via the bibliography in annex C to the plan, or via the LDS, set out the form and timing of an intended walking and cycling strategy?

10.36.1 There is no firm timescales for the production of this Strategy although it is currently envisaged that the forthcoming Transport Strategy for the Borough, which will then be incorporated into an update of the Local Transport Plan for the County, will include policies and actions in relation to walking and cycling.

10.37 Policy LP30, Level crossings

(a) Should the requirement be expressed within a policy setting out how appropriate infrastructure contributions will be secured in all respects?

10.37.1 The level crossings that the Borough Council is aware of are all part of the public footpath network. These are located away from the focus of the main development areas within the Borough. There may be applications close to these crossings that a direct link can be clearly seen and it will be in these cases that contributions would be sought.

10.38 How do the references to Building for Life Standards, Secured by Design, and special accommodation in Local Plan paragraphs 6.7 to 6.10 and 8.3 relate to development management policies?

10.38.1 They should be referred to both in the RJ for LP31 and the policy itself.

10.39 Policy LP31, Development considerations

(a) With reference to Local Plan paragraph 13.7, is the reference to NPPF2012 paragraph 66 correct? Should paragraph 17 instead be referenced in respect of amenity?

10.39.1 In the updated NPPF2019 it is para 127 and it should be amenity that is referenced.

(b) With reference to Local Plan paragraph 13.11, for consistency with NPPF2012 paragraph 102 should instead reference be made to a site specific flood risk assessment?

10.39.2 It is suggested that reference could be made in 13.11 to included site specific FRA's.

Suggested Modifications to Policy LP31

<i>Chapter</i>	<i>Para</i>	<i>Proposed Modification</i>	<i>Main Mod or Additional Mod</i>	<i>Reason</i>
	13.11	Add to the end of the first sentence: “.. and site specific FRA's may also be required.”	Main	Clarification

(c) Should references in Local Plan paragraphs 6.7 to 6.10, 8.3 and 13.15 and in policy LP31, criterion 2 to Building for Life Standards, Secured by Design, and special accommodation remain in the context of current policy? Should reference be made to optional building standards where justified?

10.39.3 The Borough Council is currently looking at ways it could set local space standards but has not progressed this to provide the evidence for this Local Plan. It is suggested the following wording be added to LP31:

Suggested Modifications to Policy LP31

<i>Chapter</i>	<i>Para</i>	<i>Proposed Modification</i>	<i>Main Mod or Additional Mod</i>	<i>Reason</i>
13	LP31	Refer at the end of the policy that Building for Life and Secured by Design will be used to assess compliance with the policy.	Main	
		Reference made in the RJ to policy to BfL – this		

**NORTH WARWICKSHIRE BOROUGH COUNCIL
LOCAL PLAN EXAMINATION**

		<i>is currently in para 6.7, 6.8 and 6.9 – and Secured by Design which is in LP32</i>		
--	--	---	--	--

(d) Policy LP31, criterion 1, is the reference to the approach being ‘targeted at using brownfield’ consistent with NPPF2012 paragraph 111 and NPPF2018 paragraph 137?

10.39.4 It is suggested that the wording of the first bullet point of LP31 be changed to read:
Suggested Modifications to Policy LP31

<i>Chapter</i>	<i>Para</i>	<i>Proposed Modification</i>	<i>Main Mod or Additional Mod</i>	<i>Reason</i>
13	LP31	1. Be targeted at using Use brownfield land in appropriate locations reflecting the settlement hierarchy	Main	Compliance with NPPF

(e) Criterion 3 and 8, do those elements of policy LP31 differ from policies LP20/LP22?

10.39.5 It is agreed that the points are made in the two places but the Borough Council would prefer to have the points together in one place to assist the practitioner, the developer and the public.

(f) Should criterion 10 be amended to reflect the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended?

10.39.6 Interestingly the NPPF refers to conserve and enhance whilst the above Act refers to preserve and enhance. Historic England in their representations asked for it to be changed to preserve and enhance but after discussions and the wording of the NPPF were content with keeping as conserve and enhance.

10.40 Policy LP32, Built form

(a) Local Plan paragraph 13.16 refers to not stifling innovative design. Is that consistent with LP32 which requires that proposals are consistent with their surroundings?

**NORTH WARWICKSHIRE BOROUGH COUNCIL
LOCAL PLAN EXAMINATION**

10.40.1 It is not the Council's intention to stifle innovative design. It is suggested that the word "All" is deleted from the start of the policy.

Suggested Modifications

<i>Chapter</i>	<i>Para</i>	<i>Proposed Modification</i>	<i>Main Mod or Additional Mod</i>	<i>Reason</i>
13	LP32	Deleted the word All from the start of the policy	Main	

(b) Should criterion i) related to water courses instead be for policy LP35, Water management?

10.40.2 No the Borough Council considers as this affects layout, street scene and thus built form it should remain in this policy.

(c) For clarity, should references to infill development in LP32 define whether that relates to 'limited infilling' within the Green Belt?

10.40.3 The Borough Councils suggests that the policy wording is changed to say "All infill development".

Suggested Modifications

<i>Chapter</i>	<i>Para</i>	<i>Proposed Modification</i>	<i>Main Mod or Additional Mod</i>	<i>Reason</i>
13	LP32	After Specific Development Types add All before infill development	Main	

(d) Is preventing replacement of all original rural buildings justified?

10.40.4 Yes. The Borough Council considers that this helps to retain the rural character of the Borough and differentiates North Warwickshire from its neighbours. The rural character is valued by the community as shown in the approved Neighbourhood Plans which all talk about the rural character of their Parish.

10.41 LP33, Shop fronts, signage and external installations

(a) Should the bulleted list in paragraph 13.21 form part of policy LP33? In the light of the Ministerial statement of 25 March 2015, HCWS488 and NPPF2018 paragraph 127.

**NORTH WARWICKSHIRE BOROUGH COUNCIL
LOCAL PLAN EXAMINATION**

10.41.1 The suggested modification is shown in the table below and incorporates the bullet points from para 13.21.

(b) Why are neighbourhood plans referred to here but not in respect of other design-related policies?

10.41.2 The Borough Council suggests that reference to Neighbourhood Plans is deleted.

(c) Is the policy consistent with NPPF2012 paragraph 67 regarding controlling advertisements?

10.41.3 It is suggested that advertisements are added to the policy.

Suggested Modifications to Policy LP33

<i>Chapter</i>	<i>Para</i>	<i>Proposed Modification</i>	<i>Main Mod or Additional Mod</i>	<i>Reason</i>
	LP33	<p>Development proposals involving change to existing, or the introduction of new shop fronts, <u>advertisements, external illumination and external installations</u> will be expected to have regard to the host building and the wider street scene in terms of their scale, proportion and overall design. <u>In particular:</u></p> <ul style="list-style-type: none"> • <u>the proportions of the shop-front should harmonise with the main building;</u> • <u>materials should reflect the existing range on the original building;</u> • <u>the shop-front should not be treated separately from the upper levels;</u> • <u>it should add interest and attract custom; and,</u> • <u>it should avoid standardisation, reflecting the diversity of a street scene.</u> <p><u>In addition, in relation to</u> external illumination <u>it</u> will be expected to adopt a scale, detail, siting</p>		

**NORTH WARWICKSHIRE BOROUGH COUNCIL
LOCAL PLAN EXAMINATION**

		<p>and type of illumination appropriate to the character of the host building, the wider street scene and longer distant views; <u>and in relation to set out in Appendix I or that set out in a Neighbourhood Plan will need to be satisfied</u></p> <p>external installations and security measures should be integrated into the overall design of the host building with the aim of avoiding harm to the appearance of the building and the street scene.</p> <p>The design criteria <u>will be set out in a SPD or that set out in a Neighbourhood Plan and its requirements</u> will need to be satisfied.</p>		
--	--	--	--	--

10.42 LP34, New agricultural, forestry and equestrian buildings

(a) Is the requirement that new buildings are located within or adjacent to a group of existing buildings justified, particularly as new agricultural buildings may come forward via Part 6 of the Town and Country Planning (General Permitted Development) Order 2015 as amended without such limitation?

10.42.1 It is not intended that where development is permitted under permitted development that this policy would apply. If an application however comes forward which does not fall under permitted development then this policy would apply. The Borough Council considers that the policy is appropriate in order to control the size and distribution of development within the rural area. The proliferation of buildings in open countryside is a concern to the Council as over time this changes the character of an area. In the Green Belt there would be the added issue of the impact on the openness of the area.

(b) Should the policy qualify what degree of ‘visual intrusion’ would be acceptable as some visual effects are inevitable from erecting new buildings?

10.42.3 Yes the policy should have some additional wording. This is set out below:

**NORTH WARWICKSHIRE BOROUGH COUNCIL
LOCAL PLAN EXAMINATION**

Suggested Modifications to Policy LP33

Chapter	Para	Proposed Modification	Main Mod or Additional Mod	Reason
	LP34	<p><i>New extensions to existing agricultural, forestry and equestrian buildings or structures will be supported if it can be demonstrated that:</i></p> <ul style="list-style-type: none"> • <i>they are reasonably necessary both in scale, construction and design for the efficient and viable long-term operation of that holding;</i> • <i>that there are no other existing buildings or structures that can be used, altered or extended;</i> • <i>that they are located within or adjacent to a group of existing buildings;</i> • <i>the site selected and materials used would not cause visual intrusion <u>are in keeping with the setting</u>; and,</i> • <i>in the case of livestock buildings their location would not cause loss of residential amenity.</i> <p><i>(policy changed to be in bullet points)</i></p>	Main	Clarification

10.43 LP35, Water management

(a) With reference to paragraph 13.23, should the policy seek to ensure that development replicates or improves upon existing infiltration or drainage provision?

(b) What does the initial sentence to Local Plan paragraph 13.25 mean? For consistency with NPPF2012 paragraph 103 should the requirement for a site specific flood risk assessment also apply where schemes would be within flood zone 1 but within a critical drainage area?

(c) With reference to Local Plan paragraph 13.26, what is the ‘particular issue’ identified by the Environment Agency in Atherstone regarding Sustainable Urban Drainage Systems (SUDS)?(d) Should the policy refer to industry

standard technical documentation regarding SUDS (e.g. produced by ICE or CIRIA)?

- (e) What does the reference to ‘under capacity’ in the second paragraph, first sentence, of policy LP35 mean?
- (f) Is there a tension between the emphasis in policy LP35 on de-culverting and watercourse re-naturalisation on the one hand and exacerbating the potential for flood risk on the other?
- (g) Are the requirements for flood zone 3, as opposed to flood zone 2 or critical drainage areas, justified?
- (h) Are principles for sewerage provision consistent with the PPG and provisions of policy LP35 in accordance with Section 106 of the Water Industry Act 1991 regarding combined sewers and a water statement?

10.43.1 The Borough Council would refer the Inspector to the suggested changes that have been agreed with the Environment Agency in NWBC20B.

10.44 LP36, Parking

- (a) With reference to LP paragraph 13.29, are the proposed parking standards justified by appropriate evidence?

10.44.1 The census provides information indicating that North Warwickshire has higher car ownership than many places. Page 9 of Examination Document AD33, *Key Messages from the 2011 Census*, refers to the amount of car ownership in the Borough and that over 80% of people use the private car to commute. The NPPF 2019 at paragraph 105 allows the Borough Council to consider the issue of car ownership. The car parking standards have not been reassessed in detail because the Borough Council looked at other parking standards and consider the ones used by the Borough Council to be robust and proportionate.

- (b) Is that policy consistent with NPPF2012 paragraphs 39 and 40 and NPPF2018 paragraphs 105 and 106?

10.44.2 Yes the Council considers that the parking requirements are consistent with the NPPF with regard to the response in 10.44.1 above. The standards are a guide as expressed in the policy. An applicant can explain why they feel they should provide less and the Council will consider this at the time of any decision.

(c) Should all development be required to provide electric vehicle charging points (noting that policy LP38, Information and communication technologies contains a caveat that a connectivity statement need only apply where appropriate)?

10.44.3 The progression to electric vehicles is increasing, and by 2040 (if not earlier) diesel cars are set to cease production as part of the Government's agenda to improve air quality and support the production of electric vehicles in this country. Warwickshire County Council has a strategy which encourages the provision of infrastructure for electric vehicles. The strategy can be found at: <https://apps.warwickshire.gov.uk/api/documents/WCCC-930-349>. To future proof for the progression to electric vehicles, it is important that necessary electric vehicle charging point infrastructure is in place to facilitate this.

10.44.4 New housing developments provide an opportunity to install electric vehicle charging points to 1) prompt the purchase of an electric vehicle and 2) to enable electric vehicles to charge.

10.44.5 In terms of residential properties it is the provision of a standard 3-pin socket that can be installed outside of the property or in a garage. This is not an onerous requirement but a necessary one to ensure that changing patterns of car ownership can be accommodated.

10.44.6 The following is an example of a planning condition that has been used on a recent planning application:

“No occupation of any dwelling until details of one electric vehicle charging point per dwellings has been submitted and approved in writing by the local planning authority. Prior to first occupation the electric charging points and bays shall be installed in accordance with the approved details.”

10.45 LP37, Renewable energy and energy efficiency?

(a) Has an assessment of locations potentially suitable for renewables facilities been undertaken?

10.45.1 This was carried out through the Renewable & Low Carbon Energy Resource Assessment and Feasibility Study (CAMCO April 2010). The study was a joint commission with Stratford, Rugby, Nuneaton & Bedworth, Solihull and Warwickshire County Council. It recommended the following for North Warwickshire:

“The benchmarking exercise above showed that North Warwickshire and Warwick could just exceed the “localised national” target of 7.5% - 10%. It is recommended that they establish targets around the base case scenario and give due consideration to exceeding this to support overall achievement across the study area. Such targets should apply to decentralised generation, retrofit into existing buildings and new buildings and they should be supported by effective annual monitoring. It is not recommended that targets be split out by technologies.” (CAM, page 149)

(b) Is the 10% reference to on-site renewables justified?

10.45.2 This information was based on the recommendation in the study referred to in answer to question 10.45(a) above.

(c) Should reference be made to the efficiency standards in Building Regulations?

10.45.3 This would be acceptable to the Council.

10.46 LP38, Information and communication technologies

10.46.1 No specific questions.

10.47 Are monitoring arrangements sufficiently precise and measurable to enable effective review of the plan’s effects?

10.47.1 The Borough Council is looking at the monitoring information and looking at ways to make them more precise. An additional paper is being prepared and will be submitted to the examination as quickly as possible.

**NORTH WARWICKSHIRE BOROUGH COUNCIL
LOCAL PLAN EXAMINATION**

Appendix A

AFFORDABLE COMPLETIONS BY MONITORING YEAR

Table 1: Number & Percentage of Affordable Units

Year	Gross completions	Net completions	Gross Affordable completions	% of affordable against gross completions	% of affordable against net completions
2006/07	174	126	39	22%	31%
2007/08	143	94	55	38%	59%
2008/09	130	106	49	38%	46%
2009/10	95	79	47	49%	59%
2010/11	105	98	37	35%	38%
2011/12	88	75	30	34%	40%
2012/13	50	38	23	46%	61%
2013/14	124	119	42	34%	35%
2014/15	233	223	47	20%	21%
2015/16	258	251	54	21%	21.5%
2016/17	378	363	120	31%	33%
2017/18	195	183	56	28%	30%
TOTAL since 2006	1973	1755	599	30%	34%
TOTAL since 2011	1326	1252	372	28%	30%

**NORTH WARWICKSHIRE BOROUGH COUNCIL
LOCAL PLAN EXAMINATION**

Table 2: Site by site information on completions of affordable housing since 2011

Monitoring year completed	Site	Developer	Type of affordable	Dwelling Capacity	Dwellings completed	Affordable completed	Affordable housing delivered % (of site)
2011/12	The Sportsmans, Picadilly	Waterloo Housing Group	Affordable rent & shared ownership	19	19	6	32
2011/12	Rectory Cottages, Arley	Midland Heart	Affordable rent	30	30	14	47
2011/12	Garage Site, Eastlang Road, Fillongley	NWBC	Social rent	4	4	4	100
2011/12	12 Meadow St, Atherstone	Bromford	Supported housing for young parents	6	6	6	100
TOTAL				59	59	30	51
2012/13	The Sportsmans, Picadilly	Waterloo Housing Group	Affordable rent & shared ownership	19	19	13	68
2012/13	Almshouses, Middleton	Waterloo Housing Group	Affordable rent & shared ownership	10	10	10	100
TOTAL				29	29	23	79
2013/14	Miners Welfare, Arley	Bromford	Affordable rent, shared ownership & shared equity	42	42	15	36
2013/14	151 Plank Lane, Water Orton		affordable rent	8	8	6	75
2013/14	Land at Old Farm Road, Mancetter	Waterloo Housing Group	affordable rent	6	6	6	100
2013/14	Land rear of 17-21 Queensway, Hurley	Waterloo Housing Group	affordable rent	15	15	15	100
TOTAL				71	71	42	59

**NORTH WARWICKSHIRE BOROUGH COUNCIL
LOCAL PLAN EXAMINATION**

Monitoring year completed	Site	Developer	Type of affordable	Dwelling Capacity	Dwellings completed	Affordable completed	Affordable houses delivered % (of site)
2014/15	Arley WMC	Midland Heart	affordable rent	16	16	16	100
2014/15	Land to the rear of 58-82 St Georges Road, Atherstone	NWBC	affordable rent	9	9	9	100
2014/15	Lister Road, Atherstone	NWBC	affordable rent	24	24	9	38
2014/15	Baddesley Ensor Social Club	Waterloo Housing Group	affordable rent	10	10	10	100
2014/15	Rowland Way, Atherstone	Redrow Homes	Affordable rent & shared ownership	88	88	3	3
TOTAL				147	147	47	32
2015/16	Land adj. to 1 Princess Road, Atherstone	NWBC		2	2	2	100
2015/16	Rowland Way, Atherstone	Waterloo Housing Group	Affordable rent & shared ownership	88	88	26	30
2015/16	Fathers Hudson's, Coleshill	Waterloo Housing Group/McCarthy & Stone/Bellway	affordable rent, shared ownership	113	113	22	19
2015/16	42 & 44 Princes Road, Hurley	Waterloo Housing Group	affordable rent	4	4	4	100
TOTAL				207	207	54	26
2016/17	Lister Road, Atherstone	NWBC	affordable rent	24	24	15	63
2016/17	Land at Dairy House Farm, Grendon	Bellway	social rent & shared ownership	85	85	34	40
2016/17	Land south of Church Walk, Mancetter	WCC/Housing & Care 21	affordable rent	57	57	57	100

**NORTH WARWICKSHIRE BOROUGH COUNCIL
LOCAL PLAN EXAMINATION**

Monitoring year completed	Site	Developer	Type of affordable	Dwelling Capacity	Dwellings completed	Affordable completed	Affordable houses delivered % (of site)
2016/17	Dordon Ambulance Station, Dordon	Waterloo Housing Group	affordable rent	14	14	14	100
TOTAL				180	180	120	67
2017/18	1-7 Church Walk, Mancetter	NWBC	affordable rent	20	20	20	100
2017/18	Land south of Grendon Road, Polesworth	Taylor Wimpey	social rent & shared ownership	143	68	34	24
2017/18	Land adj The Headlands, Austrey	Maplevale Developments	Intermediate	12	12	2	17
TOTAL				175	100	56	32
OVERALL TOTAL				868	793	372	43

Appendix B - RD034

Advice from PINS1 on the Presumption in favour of sustainable development and
development plans

Following the publication of the National Planning Policy Framework ('the Framework') planning authorities with adopted plans or plans in preparation will need to consider which, if any, parts of those plans need updating. The Framework states that Local Plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally (paragraph 15). The Planning Inspectorate considers that this model wording will, if incorporated into a draft Local Plan submitted for examination, be an appropriate way of meeting this expectation. Planning authorities will of course also need to consider what other aspects of their plans may need to be revised in order to reflect the approach of the presumption, to meet the development needs of the area.

National Planning Policy Framework - Presumption in favour of sustainable development

When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- Specific policies in that Framework indicate that development should be restricted.

1 Source: <http://www.planningportal.gov.uk/planning/planningsystem/localplans>

Changes to Policy LP 27 as proposed by Mr Atkin

In order to give the policy a firm basis and credibility I believe that a short, new paragraph 12.16 should be added to the introductory text, as follows:-

12.16 The policy follows the West Midlands Rail Executive Strategy published in January 2019 published by a consortium of sixteen local authorities in the West Midlands, including Warwickshire, that sets the basis for rail development during the plan period and beyond to 2047. There are two identified “Key Corridors” that pass through North Warwickshire, namely the “Birmingham East Tamworth-Nuneaton Corridor” and the Trent Valley Corridor”. The strategy projects three stages; Up to 2025 before HS2 – Short Term Strategy; 2026 to 2033 – Indicative Medium Term Strategy – HS2 Phase 1 and 2 Midlands Rail Hub; 2034 to 2047 – Post HS2 – Aspirational Long –Term Strategy.

LP 26 Stations

Existing *Principal* Stations

Further improvements will be encouraged and sought [delete at existing stations] as follows:-

- *Specifically, land that adjoins the existing car park alongside platform 1, shown on the proposals map, will be safeguarded for use as a car park extension at Atherstone station and positively pursued with the relevant, responsible parties early in the plan period. Additionally, other potential car parking opportunities will be investigated.*
- *Improved services and pedestrian access arrangements between platforms for able bodied and disabled users to meet DDA standards at Atherstone station.*
- *Additional car parking provision at Coleshill Parkway station.*

Other Station Development

- *Investigation into improved services, provision of a new footbridge and parking facilities at the existing Polesworth station will be pursued including research into a new Parkway station in the context of the WMRE Strategy.*
- *The sites shown on the proposals map for new stations at Kingsbury and Arley will be safeguarded and pursued in the context of the WMRE Strategy.*
- *The continuance of services and facilities at Water Orton Station will be supported.*

Funding of Station Developments

- *Financial contributions towards the provision of the measures identified in this policy will be sought in accordance with the provisions of Policy LP1.*

The foregoing assumes that the Inspector's suggestion for a base funding policy statement is included in policy IP1.

Finally, I suggest that the front cover and relevant pages of the WMRE strategy document – viz:- pps 28;30 and 35 - are included as an appendix to the Plan.