

NORTH WARWICKSHIRE BOROUGH COUNCIL LOCAL PLAN EXAMINATION**REVISED POLICY MM39**

As shown in red below, we have revised the MM39 policy in response to comments made by the Council, the Inspector [Administrative session hearing agenda and admin note] and representations from Hodgetts Estates [PS.M5.09]. We also respond specifically to the Council's comments on MM39, which were included within [NWBC20A].

Amended MM39 as follows:

"Where evidence demonstrates an immediate ~~strategic or local~~ need or demand for additional employment land (B1, B2 and B8) in North Warwickshire that cannot be met from land allocated in this plan, the Council will consider favourably proposals that meet that need or demand, subject to the proposal:

- Being located in ~~an the~~ area of ~~highest unmet need or~~ demand for industrial/commercial uses, ~~i.e. including~~ between junctions 6 and 11 of the M42, ~~as demarcated as Area A on Figure 4.10 of the West Midlands Strategic Employment Sites Study (or as subsequently~~ ~~and other areas~~ ~~as may be~~ defined within the Phase 2 ~~West Midlands Strategic Employment Sites Study~~ following its publication); and
- Being able to demonstrate suitable access to the strategic highway network (~~M6, M42 and A446~~) and an acceptable impact on the capacity of that network; and
- Being accessible or capable of being made reasonably accessible by a choice of means of transport, including sustainable transport modes, as a consequence of planning permission being granted for the development; and
- Not being ~~unreasonably~~ detrimental to the amenities of ~~any~~ nearby residential properties or the wider environment.

Meeting these criteria will carry significant weight in decision-taking, including the consideration of whether very special circumstances exist which warrant the granting of planning permission for development in the Green Belt.

~~The West Midlands Strategic Employment Site Study will become a material consideration in decision making immediately upon its publication; and will inform the timing of and issues needing to be considered by a review of the Local Plan in accordance with paragraph [1.8] of this Plan."~~

In response to the Council's points on MM39:

1. "It limits the Council's role in determining the right place for development with the right infrastructure."

1. The Local Planning Authority's expected role is acknowledged but it has failed in its Local Plan preparation to address the need for strategic B8 development in the Borough. If it had done so, there would be no need for MM39, which seeks to remedy the consequent failings of the submitted Plan in terms of both its legal compliance and soundness.

2. "Concern at the implications on the Green Belt and the need to consider the Green Belt as a whole."

3. "Difficult in DM terms. It may pre-determine planning applications."

2&3. MM39 does not disregard Green Belt policy but it does add weight in decision making to the need to make provision for strategic B8 development. This approach is supported by case law, that is Pertemps Investment Ltd and SoS for CLG and Solihull MBC, 31st July 2015, which found that a similar provision in an adopted Local Plan did not alter or compromise Green Belt policy but prescribed at a local level a positive approach to development albeit development that by definition would be inappropriate in the Green Belt. Therefore MM39 does not unreasonably fetter the Council's decision making but it does tilt the balance in favour of development for which there is a demonstrable need or demand.

4. "It will result in a race to see who gets an application submitted."

4. This is not a planning policy issue but is in any event a symptom of the failure of the Council to plan positively for a matter of acknowledged strategic importance.

5. "It is not co-ordinated or plan led."

5. As set out in 4 above, this situation is the result of the Council not addressing the issue in the submitted Local Plan despite their commitment to do so in the currently adopted Plan.

6. "Need to review to establish the sites, the sizes, distribution, etc."

6. Need and demand for strategic B8 is immediate and planning permissions in advance of the outcome of any Local Plan Review needs to be facilitated by the current Local Plan.