

**NORTH WARWICKSHIRE BOROUGH COUNCIL**  
**LOCAL PLAN EXAMINATION**

**Additional hearing matters, issues, questions and agendas (updating [INSP5A])**

**Introduction**

1. This document sets out what I consider to be the remaining points meriting further consideration by way of hearing sessions. References [in square brackets] refer to examination documents, available on the examination website/ library.<sup>1</sup> References starting 'ALP...' are to respondents to the recent consultation on the Plan in September/ October 2020 at examination. Questions for discussion are in bold.
2. Given the time which has elapsed at examination, and the matters addressed so far in that context, various points below contain references to progress to date. Of particular relevance are recent exchanges with the Council [INSP19, INSP20, INSP21, NWBC25, NWBC26, NWBC27] along with the latest schedule of potential Main Modifications ('MMs', [NWBC20E]) to the Plan as submitted [CD1/1] (referred to simply as 'the Plan').<sup>2</sup>
3. As set out in [INSP20] there will inevitably be some overlap between earlier examination hearing sessions and the items addressed in forthcoming hearings. My focus will be on addressing outstanding issues in a succinct manner. Those seeking to contribute to sessions should approach doing so in that context. Any matters that individuals wish to raise but which are not identified below will principally fall to the 'other matters' session.
4. The items and timings set out below are flexible. It may not be necessary to cover all points in equal detail, or at all, in the light of the information before me. On 27 October 2020 the examination website was updated indicating that future hearing sessions, in a virtual format, will take place between 15 and 17 December. The examination website will be updated subsequently in respect of hearing arrangements.
5. As previously, the Council should continue to maintain a list of potential MMs, or alterations to those already discussed [NWBC20E]. That is with the aim of working towards a finalised schedule of potential MMs (subject to the incorporation of which I aim ultimately to be in a position to recommend that the Plan is sound within the terms of paragraph 182 of the National Planning Policy Framework published in 2012, 'NPPF2012'). Procedurally, MMs will need to be the subject of Sustainability Appraisal and published for a further round of consultation in due course.
6. Any queries in respect of this document, or on the examination more broadly, should be put in the first instance to the Programme Officer (Kerry Trueman, [kerrytrueman@northwarks.gov.uk](mailto:kerrytrueman@northwarks.gov.uk), 07852310364). She will also

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<sup>1</sup> [https://www.northwarks.gov.uk/info/20002/planning/1444/local\\_plan\\_examination/2](https://www.northwarks.gov.uk/info/20002/planning/1444/local_plan_examination/2)

<sup>2</sup> My role, remit and guidance in respect of the examination are set out in [INSP1 and INSP3].

be the first point of contact regarding virtual hearing sessions, general information on which is available on the Government's website.<sup>3</sup>

7. Given the inevitably disruption caused by Covid-19, I am happy to consider accepting focussed written responses to any points below in place of participation during hearing sessions. In the interest of openness, any such representations will be made available on the examination website (with suitable consideration given to data handling in line with relevant requirements).

## **Tuesday 15 December**

### **Introduction, recap, housing requirement, housing trajectory, infrastructure provision, viability and delivery assumptions**

*Morning session, 09:30-13:30 (break c.11:00-11:15)*

8. Inspector's introduction
9. Council's update on changing circumstances during examination

*(Items 11.1 and 11.2 to including reference to the following:*

*(i) outcomes/ matters arising from additional consultation in September 2020*

*(ii) A5 funding status and remit/ extent/ agreement with Highways England [INSP18, NWBC26]*

*(iii) HS2 programme (and interaction with Plan policy LP4 subject to MM24)*

*(iv) 2018-based household projections, Planning for the Future White Paper/ 'Changes to the current planning system' consultation, updated affordable housing evidence [NWBC27, NWBC24 Annex B]*

*(v) amendments to the Town and Country Planning (Use Classes) Order 1987,<sup>4</sup>*

*(vi) M42 junction 6/ 5A Development Consent Order*

*(vii) latest traveller accommodation assessment [AD56], West Midlands Strategic Employment Sites Study (second edition)*

*(viii) relevant appeals, caselaw and developments in neighbouring plan-making or neighbourhood plans.<sup>5</sup>)*

## **Housing requirements**

10. **What is the current situation in the Borough in terms of housing completions, unimplemented permissions, and forecast supply from allocations and all other sources?** Effectively an update to [NWBC11] wherein completions are given as 1,272 homes since 2011, with 1,308 homes at that stage indicated to benefit from unimplemented planning permission.<sup>6</sup>
11. **What overall housing requirement does the above aim towards? How is that broken down with reference to potential MM28, which would provide updated versions of tables 1 and 2 in the Plan as submitted? Should Plan paragraph 7.35 be amended to reflect that the housing**

<sup>3</sup> <https://www.gov.uk/government/publications/planning-inspectorate-virtual-events-guide-to-participating>

<sup>4</sup> <https://www.legislation.gov.uk/primary+secondary/2020?title=use%20classes>

<sup>5</sup> Notably *Keep Bourne End Green v Buckinghamshire Council & Anor* [2020] EWHC 1984 (Admin) (23 July 2020) and Appeal Ref APP/F4410/W/18/3197290 (related to a Motorway Service Area).

<sup>6</sup> The housing requirement being re-based at 2011. ALP42 explains, for example, that Plan allocation H1 has secured permission for 620 dwellings (subject to the completion of a section 106 agreement).

**requirement is the basis for establishing a five year land supply of deliverable sites?**

12. **Are there any disputes in respect of the above inputs or as to the deliverability/ developability of certain sites?**
13. **What are the implications of household projections based on 2018 data ('HHP2018') for the Borough and housing market areas of which it is part? Do they represent a meaningful change within the terms of the Planning Practice Guidance ('PPG')?** See NWBC27, responding to INSP21, which indicates that the projections for the Borough rise from c. 142.5 dwellings per annum ('dpa') based on 2014 data to 322 dpa based on HHP2018. Considered in the context of the housing market areas in which the Borough falls, the divergence over the plan period in a hypothetical scenario is between a requirement of 9,544 and 10,015 (a difference of 471, expressed as a mean average over the 22 year plan period as around 21 dpa).
14. In line with the approach in the PPG,<sup>7</sup> the total change between 2020 and 2030 based on HHP2014 is from 27,057 households to 28,482 in the Borough (some 142.5 annually).<sup>8</sup> The latest median workplace-based affordability ratio is 7.23.<sup>9</sup> Adjusted with reference to the methodology in the current NPPF ('NPPF2019') and PPG, that indicates a local housing need figure of around 171 households a year.<sup>10</sup> **Is that correct?**
15. **With reference to the PPG,<sup>11</sup> and to the judgement in Keep Bourne End Green v Buckinghamshire Council & Anor [2020] EWHC 1984 (Admin) (23 July 2020), which household projections series, or basis, should be the starting point for establishing housing needs?**
16. **What lapse/ non-implementation rate of planning permissions/ allocations has been included in forecast housing supply? How does that interact with the Council's proposed 'flexibility factor'?** [NWBC24, Annex H] indicates a lapse rate of 1.14% should be used. In [INSP19] I indicated around 3% may be more representative of previous trends.
17. **What is the current approach proposed in respect of forecast supply arising from windfall sites?** With reference to NPPF2012 paragraph 48 and PPG Reference ID: 3-24-20140306 which references the need for 'compelling evidence' in respect of windfall inclusion in a five year housing land supply; potential MM38, MM39 and MM40 relate to windfall provision.

### ***Housing trajectory (stepped)***

18. The PPG sets out that a stepped housing requirement may be appropriate where there is to be a significant change in the level of housing brought forward relative to an existing plan, or where phased delivery is necessary.<sup>12</sup> The PPG indicates also a case for the 'Liverpool' approach making good any under supply over the plan period relative to requirements since the Plan's

<sup>7</sup> Reference ID 2a-004-20190220.

<sup>8</sup> Live table 406.

<sup>9</sup> Based on ONS table 5c, released 28 March 2019.

<sup>10</sup> Reference ID: 2a-004-20190220.

<sup>11</sup> Reference ID: 2a-015-20190220.

<sup>12</sup> Reference ID: 68-021-20190722, NB updated post NPPF2019.

base date (in this instance 2011).<sup>13</sup> In [INSP17] and [INSP18], I indicated, without prejudice to the outcome of the examination, that addressing any shortfall over the plan period to date relative to the requirement in a phased trajectory with a 5% five year housing land supply buffer may be appropriate.

19. In [INSP19] I clarified that it remained the Council’s intention to provide for around 9,598 homes over the 22 year plan period, albeit at that stage in October 2019 there was some uncertainty regarding A5 funding and the approach the Council intended to take in that regard. In [NWBC26A] and [NWBC26B] the Council set out two potential housing trajectories, options 1 and 2. Via [NWBC27] indicated that their preferred option was [NWBC26B], i.e. option 2 as set out below:

**Table1 – Stepped Trajectories**

Year	Option 1: Delivery of A5 by 2024		Option 2: Delivery of A5 – 2025/26	
2011/12	203		203	
2012/13	203		203	
2013/14	203		203	
2014/15	203		203	
2015/16	203		203	
2016/17	203		203	
2017/18	203		203	
2018/19	203		265	Step 1
2019/20	300	Step 1	265	
2020/21	300		265	
2021/22	300		265	
2022/23	300		265	
2023/24	300		265	
2024/25	719	Step 2: Phases 1 and 2 A5 completed	390	Step 2
2025/26	719		775	Step 3: Phases 1 and 2 A5 completed
2026/27	719		775	
2027/28	719		775	
2028/29	719		775	
2029/30	719		775	
2030/31	719		775	
2031/32	719		775	
2032/33	719		775	
<b>TOTAL</b>	<b>9595</b>		<b>9601</b>	

- 20.[NWBC24 Annex H] sets out housing requirements in the extant development plan over time (along with net and gross completions as follows:

<sup>13</sup> Reference ID: 68-031-20190722 (current guidance) Reference ID: 3-035-20140306 (former guidance).

Table 4 – Completions 1996 - 2018

Year	Completions		Housing Requirement per annum	Maximum or minimum requirement	Buffer
	Gross	Net			
1996/97	142	122			
1997/98	263	261			
1998/99	209	207			
1999/2000	86	84			
2000/01	91	89			
2001/02	180	171			
2002/03	105	100		maximum	
2003/04	126	120	213 WASP	maximum	
2004/05	117	104	213 WASP	maximum	
2005/06	107	106	213 WASP	maximum	
2006/07	174	167	185 LP	maximum	
2007/08	143	142	185 LP	maximum	
2008/09	130	106	150	maximum	
2009/10	95	79	150	maximum	
2010/11	105	98	150	maximum	
2011/12	88	75	150	maximum	
2012/13	50	38	150	maximum	
2013/14	124	119	150	maximum	
2014/15	233	223	203 (CS)	minimum	20%
2015/16	275	251	203 (CS)	minimum	20%
2016/17	378	363	264 (CW SHMA 2015)	minimum	5%
2017/18	195	186+ 20 – 3 = 203	264 (CW SHMA 2015)	minimum	5%
2018/19	300	298	203 (stepped trajectory)		5%

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21. The Council's proposed 'option 2' housing trajectory appears to use the annual Core Strategy requirement in policy NW4 from 2011 onwards (3,650 dwellings/ 18 years Core Strategy Plan period= 203 dpa). However I am told that since an appeal in 2015,<sup>14</sup> the Council has acknowledged that the Core Strategy requirement was no longer up-to-date on account of the wider housing market context. That decision aligns with a marked uplift in housing completions in the Borough. **Should the stepped trajectory therefore be based on a higher requirement from years 2015/16 onwards?**
22. The Birmingham Development Plan was adopted in January 2017. That clarified the extent of the likely housing shortfall that the City Council would be unable to deliver within its administrative boundaries to 2031 (37,900 homes out of 89,000). The North Warwickshire Plan as submitted is premised on seeking to meet 10% of that prospective shortfall. A figure of 264 dpa appears to represent 2012 based household projections plus an agreed contribution towards meeting housing requirements of the broader Coventry and Warwickshire Housing Market Area. **However, from 2017 should the stepped trajectory include an element associated with Birmingham's needs?**
23. **Drawing together the questions above, what is the most appropriate stepped trajectory and thereby figure for housing shortfall during the Plan period to date?**
24. **What level of flexibility in terms of overall housing numbers/ headroom should be included to ensure that the Plan's strategy is deliverable?**
25. **Is the stepped housing trajectory justified and consistent with the approach in the NPPF2012? What test(s) should I apply in approaching that consideration?**

<sup>14</sup> Ref APP/R3705/W/15/3136495.

26. **It is necessary for soundness that specific reference is made to which houses/ sites would relate to meeting the Borough's housing needs, or contributing meeting wider needs?**<sup>15</sup>

*Afternoon session, 14:00-17:00 (break c.15:00-15:15)*

**Infrastructure, viability and site delivery**

27. The examination to date has considered infrastructure provision in detail (including as covered by [AD5A, AD47]). Appendix A to [NWBC26] sets out a fresh infrastructure table of projects considered 'critical' or 'important' to facilitate development, particularly in respect of A5 upgrades (as addressed in [INSP20], paragraphs 12-14). **Is the funding, phasing, and geographic relationship of infrastructure provision relative to meeting development requirements clearly set out and robust? Should greater specificity be set out in the Plan for effectiveness and to enable suitable monitoring?**
28. **Is the stepped housing trajectory realistic and deliverable, with reference to enabling infrastructure (particularly in respect of A5 works), build out rates, and market circumstances? If not, how could that be resolved?** In [INSP18] I commented on the Council's evidence of lead in times and delivery rates in the Borough set out in [NWBC24B], Annex I. I also referenced national trends in that regard, as highlighted by representors to the examination.<sup>16</sup> The Council responded via [NWBC26] setting out anticipated delivery rates based, amongst other things, on the number of retail outlets per allocation. Some representors to the additional consultation undertaken in September/ October 2020 contend that, applying national trends, housing delivery over the plan period will undershoot the figure of 9,598 by around 1,967 dwellings.<sup>17</sup>
29. **Are the trajectories forecast in respect of site H7 consistent with the overarching approach now proposed via the plan?**<sup>18</sup>
30. **Is the trigger for local plan review, where potential MM39 would apply, clear, and would it be effective?**<sup>19</sup>
31. **Should any reserve sites be brought forward with the objective of meeting the housing requirement over the plan period, are the circumstances and timing of that process set out with sufficient clarity?**<sup>20</sup>
32. In response to [INSP19], the Council reviewed housing market assessment work insofar as affordable housing needs are concerned. [NWBC24, Annex B] forecasts that 47% of future housing needs would be for affordable housing, as defined in the glossary to the NPPF2012. With reference to NPPF2012 paragraphs 47 and 173, the Council thereafter commissioned [NWBC26D], to establish whether provision in excess of the affordable housing thresholds

<sup>15</sup> Raised in particular by ALP19 (Tamworth Borough Council).

<sup>16</sup> Representors citing the NLP study 'Start to Finish' of November 2016 in that context.

<sup>17</sup> E.g. ALP22.

<sup>18</sup> ALP40.

<sup>19</sup> ALP23.

<sup>20</sup> Including as raised by ALP30 in respect of site RH1.

set via policy LP9 would be viable or not. **In that context, and subject to potential MM16 related to LP1, are the thresholds in Plan policy LP9, Affordable Housing Provision, justified?**

33. **Is policy LP9 consistent with NPPF2012 paragraph 173 insofar as viability is concerned?**<sup>21</sup>
34. Paragraph 9.67 of the Greater Birmingham Strategic Growth Study [CD8/23] sets out that there is 'no effective potential' for delivery of housing growth of beyond 1.8%, which the plan proposes. 1.8% is greater than the growth in any West Midlands authority between 2001 and 2017 [CD8/23]. **Is that position justified by appropriate evidence?**
35. **In respect of 'category 2' sites, i.e. those bordering settlements outside of the Council's administrative area, is specific reference necessary to cooperative working with neighbouring authorities regarding infrastructure demands and provision?**

### **Wednesday 16 December**

#### ***Employment (land) provision, environmental considerations and heritage***

*Morning session, 09:30-13:30 (break c.11:00-11:15)*

#### ***Employment***

36. As submitted, table 8 of the Plan set out figures in respect of employment land provision. That has since been supplemented by [AD52, AD52A] (by the sector) and by [AD52B] (a review of AD52A by the Council). AD52A puts completions 2011-2012 to 2018-19 at 154.8ha; the Council's position is that figure should be 142ha. AD52A sets out that the total sum of employment space brought forward, permitted, and allocated is 248.20ha over the plan period. **What is the Council's position in that respect?**
37. **Has delivery of employment land and forecast supply been calculated on the same basis, specifically in respect of smaller sites?**<sup>22</sup> **Is it justified not to apply a lapse/ non-implementation rate to employment permissions relative to the Plan's approach in respect of housing?**
38. **What is the effect, if any, of changing circumstances at examination for the Plan's consistency with the NPPF2012 in respect of employment provision?**<sup>23</sup>
39. Potential MM35 would introduce a new policy to provide a mechanism to accord weight in decision-taking if and when evidence comes forward of an immediate need for employment provision in Area A as identified on Figure 4.10 of the West Midlands Strategic Employment Sites Study. **In the absence of potential MM35 would the Plan fail to accord with**

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<sup>21</sup> Raised by ALP35.

<sup>22</sup> ALP45 notes a differential approach to sites of less than 0.4ha in that respect.

<sup>23</sup> ALP27, ALP43.

**NPPF2012 paragraph 161 and therefore be inconsistent with national policy?**

40. **With reference to NPPF2012 paragraph 154, is potential MM35 sufficiently clear such that it would provide a clear policy basis on which to take a decision?<sup>24</sup> For effectiveness should the interaction with policies LP2 Settlement Hierarchy, LP3 Green Belt, and LP11 Economic Regeneration, be set out explicitly?<sup>25</sup>**
41. Potential MM7 relates to the need for an early review of the plan in the event that a meaningful change in the nature of anticipated needs in terms of housing or employment comes to light. **For effectiveness, and thereby soundness, should that commitment be a policy in itself? As drafted is potential MM7 sufficiently specific as to the trigger that would require an early review of the Plan in whole or part?<sup>26</sup>**
42. **What are the implications, if any, of recent changes to the Use Classes Order in respect of policy LP21 regarding town centres (with reference to potential MM57 or otherwise)?**
43. **Does potential MM109 allow for suitable flexibility for changes between commercial uses in line with NPPF paragraph 21?**
44. **Are monitoring indicators related to employment land provision specific, justified and measurable?**

*Afternoon session, 14:00-17:00 (break c.15:00-15:15)*

*Environmental considerations and heritage*

45. **Should the supporting text at paragraph 7.32 of the Plan be amended to accurately reflect the purpose of the meaningful/ strategic gap (with reference to potential MM25)?<sup>27</sup>**
46. **Should the 'visual' dimension of policy LP5 related to the Strategic Gap be replaced with 'sense', to incorporate a wider range of considerations and thereby flexibility in line with landscape sensitivity?<sup>28</sup> Is 'amount of land lost' an appropriate and robust monitoring metric for that policy?**
47. **Does policy LP3, Green Belt, and supporting text (as potentially amended via MM21 and MM22) provide sufficient clarity and precision for a decision-taker as to how to react to a proposal, with regard to NPPF2012 paragraph 154?<sup>29</sup>**

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<sup>24</sup> ALP27, ALP46.

<sup>25</sup> ALP43 and ALP45.

<sup>26</sup> Raised by ALP25 and ALP43 (the latter with reference to the provisions of Birmingham Development Plan policy TP35).

<sup>27</sup> ALP21.

<sup>28</sup> ALP46.

<sup>29</sup> ALP3.

48. **With reference to protection of ancient trees, for consistency, should all references refer to the latest Woodland Trust advice?**<sup>30</sup> NB this issue is particularly relevant in respect of allocation H7 where, as discussed in previous hearings, there may be multiple factors related to a landscape buffer in that location.<sup>31</sup>
49. **Is the approach taken to the selection of sites compliant with the sequential test in the NPPF2012 in respect of vulnerability to flooding?**<sup>32</sup>
50. **For consistency with the NPPF regarding conserving biodiversity, with reference to policy LP16 and potential MM56, should reference be made to contributing towards an emerging 'nature recovery network'?**<sup>33</sup>
51. **Should LP paragraph 13.26 supporting policy LP35, now to be titled Water and Flood Risk Management, for consistency with national policy, make reference to surface water discharge being reduced as far as practical to 'Greenfield Qbar'?**<sup>34</sup>
52. **For soundness should reference be made in Plan policy LP2 (as potentially amended via MM14) to emergency services infrastructure?**<sup>35</sup>
53. **In line with NPPF paragraph 76 regarding Green Space Designation do the areas put forward by ALP54 meet that criteria? Would the plan be unsound in the absence of their inclusion?**
54. **Is the Plan, and proposed allocation H13, consistent with the approach in the NPPF2012 to facilitating the sustainable use of minerals?** (potential MM102, MM110, MM120 are relevant here).
55. **Should allocations set out definitive or indicative capacities for housing?**

#### **Thursday 17 December**

#### **Allocations, travellers, any other matters, administrative considerations**

*Morning session, 09:30-13:30 (break c.11:00-11:15)*

#### *Allocations*

56. [INSP20] summarises the position in respect of allocations as the examination has progressed; that position is incorporated in potential MM72. [INSP5A] in respect of matter 9 site allocations referenced allocation yields and delivery trajectories set out in examination documents [CD8/13B] and [PS.M8.01]. **Are current delivery trajectories and assumptions justified and robust, including over the next five years?**

<sup>30</sup> MM54.

<sup>31</sup> ALP35, ALP40 in terms of the setting of Dordon Hall (Grade II listed, list entry No 1034713).

<sup>32</sup> ALP25, ALP54, ALP37.

<sup>33</sup> ALP34.

<sup>34</sup> ALP20.

<sup>35</sup> ALP20.

57. **Is there reasonable certainty that all allocations are deliverable or developable such that, in line with NPPF paragraph 154, the Plan is realistic?**<sup>36</sup>
58. **What areas of dispute between representors and the Council exist in respect of the remaining sites as set out in potential MM72?**<sup>37</sup> There is inevitably an overlap between the considerations under this item and the matters covered in hearing sessions related to issues 9.1 to 9.43 in [INSP5A], therefore any discussion should focus principally on remaining outstanding disputes or changing circumstances at examination.
59. **Is the safeguarding of historic railway lines via policy LP27 separately subject to potential MM61, RR1 and RR2, justified?** (noting [PS.M10.12] and [PS.M10.12a])
60. **To ensure appropriate regard to flooding vulnerability in line with the NPPF2012, should the site allocation maps illustrating details related to flooding in [AD54] be incorporated as part of the policies map? If so, how should those maps be introduced/ explained?**<sup>38</sup> **Are requirements for site specific flood risk assessments ('stage 3') consistent with the NPPF2012?**
61. **Should Coleshill sewage works be represented as removed from the Green Belt?**<sup>39</sup>
62. **With particular reference to infrastructure provision, and flooding in respect of RH3,**<sup>40</sup> **is the inclusion of reserve housing sites justified? Is the trigger for their being brought forward clear and precise?**
63. [INSP5A], question 9.28, concerned site allocation E4, land to the south of Horiba MIRA. Hearing session discussed the potential expansion of that allocation; I explained at that juncture how I would need to be satisfied that the Plan was unsound in the absence of that expansion in order to recommend a main modification in that regard. **In that context is a larger site area at allocation E4 justified? Has there been appropriate opportunity for potentially affected individuals to make representations in the course of the examination?**<sup>41</sup>
64. **For consistency with the NPPF2012, and provisions of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, how should allocation H15 address heritage assets?**<sup>42</sup> **Similarly in respect of site H2?**<sup>43</sup> Unless there is site specific justification for a differential approach in one location compared to another, for consistency heritage requirements should be expressed identically.

## Travellers

<sup>36</sup> Albeit that the basis for the examination is the NPPF2012, the definition of deliverable in the glossary to the NPPF2019 may be a relevant consideration.

<sup>37</sup> ALP30 suggests that allocation H18 should remain in part, as part does not benefit from permission (with reference to my reasoning in INSP18, paragraphs 11-13).

<sup>38</sup> ALP24, ALP42.

<sup>39</sup> ALP24.

<sup>40</sup> ALP25.

<sup>41</sup> Raised by a number of residents of Caldecote, including ALP15 and ALP16.

<sup>42</sup> ALP39.

<sup>43</sup> ALP43, to which potential MM77 relates.

65. The examination to date has considered traveller provision (as defined in Planning Policy for Traveller Sites 2015, 'PPTS201') in detail; [AD40] in particular setting out an update on pitch supply. Potential MM32, MM34 and MM47 were formulated in that context. A new traveller accommodation assessment has been produced at examination in conjunction with Lichfield District Council and Tamworth Borough Council [AD56]. I wrote to the Council on that matter in August 2020, INSP21, paragraphs 17-20. **In that context, what is the most robust estimate of traveller needs and pitch supply over the plan period with reference to relevant applications, appeals and enforcement action (if any are relevant)?**
66. ALP51 references the decision handed down in Maidstone BC v Secretary of State for the Environment and Dunn (2006) regarding traveller status. That case law preceded PPTS2015, whereby the planning definition of travellers was amended, regarding the cessation of permanent travel associated with a nomadic habit of life. **In that context, are the findings of [AD56] consistent with the relevant legislative and policy context? Have assumptions around undetermined households and in-migration been appropriately considered?**<sup>44</sup>
67. **Is the second criterion of policy LP10, regarding accessibility of potential traveller sites, consistent with the approach in paragraph 13 of PPTS2015?**
68. **Overall, would the approach in the Plan to traveller provision accord with the approach set out in paragraphs 3 and 4 of PPTS2015?**

*Afternoon session, 14:00-17:00 (break c.15:00-15:15)*

69. Main Modifications (considering, albeit not limited to, potential MM16,<sup>45</sup> MM35,<sup>46</sup> MM45, MM36,<sup>47</sup> MM84,<sup>48</sup> MM97,<sup>49</sup> in respect of policy LP25,<sup>50</sup> and monitoring indicators).
70. Any other matters (including consideration of equestrianism, rights of way, and farm diversification).<sup>51</sup>
71. Administrative matters (including future actions, timings and processes).

**18 December, potential reserve day**

*Thomas Bristow*  
INSPECTOR

3 November 2020

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<sup>44</sup> ALP51.

<sup>45</sup> ALP45.

<sup>46</sup> ALP43.

<sup>47</sup> ALP24, ALP35.

<sup>48</sup> ALP35 indicates Hoo Hill is incorrectly referenced as a heritage asset in itself as opposed to the Grade II Listed obelisk (list entry No 1319944).

<sup>49</sup> ALP34.

<sup>50</sup> AIP45.

<sup>51</sup> Raised by ALP42.