



The Planning Inspectorate

Report to North Warwickshire Borough Council

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an Inspector appointed by the Secretary of State

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Planning and Compulsory Purchase Act 2004
(as amended)

Section 20

Report on the Examination of the North Warwickshire Local Plan

The Plan was submitted for examination on 27 March 2018.

The examination hearings were held between 25 to 27 September 2018, 26 February to 11 April 2019 and 15 to 17 December 2020.

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Abbreviations used in this report

2004 Act	The Planning and Compulsory Purchase Act 2004 as amended
2006 Plan	North Warwickshire Local Plan 2006 (adopted originally 4 July 2006)
2012 Regulations	The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended
2021 Order	The Town and Country Planning (General Permitted Development etc.)(England)(Amendment) Order 2021
5YHLSR	Five year housing land supply requirement
5YLS	Five year land supply (of deliverable sites)
AHNU	Affordable Housing Needs Update document
AMs	Additional Modifications
BCC	Birmingham City Council
BDP	Birmingham Development Plan (adopted 10 January 2017)
Core Strategy	North Warwickshire Core Strategy (adopted 9 October 2014)
CWHMA	Coventry and Warwickshire Housing Market Area
dpa	dwelling per annum
DtC	Duty to Cooperate
ECHR	European Convention on Human Rights
EIA	Environmental Impact Assessment
ELR	Employment Land Review
GBHMA	Greater Birmingham Housing Market Area
GOP	Growth Options Paper
GTAA2013	Gypsy and Traveller Accommodation Assessment produced in 2013
GTAA2019	Gypsy and Traveller Accommodation assessment produced in 2019
ha	hectares
HDT	Housing Delivery Test
HHP	Household Projections (data series denoted by date suffix)
HIF	Housing Infrastructure Fund
HRA	Habitats Regulations Assessment
HS2	High Speed Two
IDP	Infrastructure Delivery Plan
JLR	Jaguar Land Rover
Langley SUE	Langley Sustainable Urban Extension Supplementary Planning Document (adopted 16 April 2019)
SPD	
LHN	Local Housing Need
MHCLG	Ministry of Housing Communities and Local Government
MMs	Main Modifications
Moto MSA	Tamworth Services, operated by Moto Hospitality Ltd.
MSAs	Motorway service areas

NPPF2012	The National Planning Policy Framework published March 2012
NPPF2012	The National Planning Policy Framework published in February 2019
NWBC	North Warwickshire Borough Council
OAHN	Objectively Assessed Housing Needs
ONS	Office for National Statistics
PPG	Planning Practice Guidance
PPTS2012	Planning Policy for Traveller Sites, published March 2012
PPTS2015	Planning Policy for Traveller Sites, published August 2015
PSED	Public Sector Equality Duty
Regulation 18	Regulation 18 of the 2012 Regulations
Regulation 19	Regulation 19 of the 2012 Regulations
Regulation 4	Regulation 4 of the 2012 Regulations
RIS	Road Investment Strategy
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SADC	Stratford-on-Avon District Council
SEP	Coventry and Warwickshire Strategic Economic Plan
SFRA	Strategic Flood Risk Assessment 2013
SGS	Greater Birmingham Strategic Growth Study
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SMBC	Solihull Metropolitan Borough Council
SSA	Settlement Sustainability Appraisal of January 2010
SSFR	Site Specific Flood Risk Technical Note
SSSI	Sites of Special Scientific Interest
STA	Strategic Transport Assessment
Structure Plan	Warwickshire Structure Plan 1996-2011, adopted in 2001.
TBC	Tamworth Borough Council
TLP	Tamworth Local Plan 2006-2031, adopted February 2016
UCO	The Town and Country Planning (Use Classes) Order 1987 as amended
UEVA	Updated Economic Viability Assessment
USSA	Settlement Sustainability Appraisal updated at examination
WMCA	West Midlands Combined Authority
WMRSS	Regional Spatial Strategy for the West Midlands (revoked 2013)
WMSESS	West Midlands Strategic Employment Sites Study

Examination documents are referenced [in square brackets].

Non-technical summary

This report concludes that the North Warwickshire Local Plan provides an appropriate basis for the planning of the Borough, provided that a number of main modifications ('MMs') are made to it. North Warwickshire Borough Council ('NWBC') requested that I recommend any MMs necessary to enable the Plan to be adopted. Following hearings, the Council prepared a schedule of proposed MMs.¹ That schedule supersedes several earlier iterations.

Where necessary NWBC undertook sustainability appraisal ('SA') and habitats regulations assessment ('HRA') in respect of MMs. The latest iteration of the schedule of MMs was, along with supporting documentation, subject to public consultation between 4 March and 14 April 2021. I have recommended the inclusion of the foregoing MMs after considering the SA and HRA of them, alongside all representations to the consultation. The principal effects of the MMs may be summarised as follows:

- Establishing requirements of 9,598 dwellings, 100 hectares of employment land and 19 traveller pitches as minima,
- Deleting site allocations that were inadequately justified (including land proposed for safeguarding within the Green Belt),
- Setting out a clear settlement hierarchy for guiding decision-taking, with suitable flexibility for all settlements to play a role in delivering sustainable development,
- Clarifying how all forms of infrastructure provision will be delivered,
- Setting out clearly forecast housing delivery, a robust stepped trajectory and components of a five year housing land supply,
- Inserting a new policy supportive of employment provision addressing immediate needs for such,
- Ensuring consistency with national planning policy in various respects, notably in terms of minimising vulnerability to flooding and heritage preservation,
- Ensuring that the Plan is suitably flexible in respect of various thresholds, notably in terms of different types of housing provision and development entailing economic benefits,
- Clarifying the remit of the Plan and its relationship to statute, policy and non-statutory documents,
- Clarifying the purpose and application of policy LP5, 'Strategic Gap' consistent with its justification,
- Amending policies guiding site allocations and development management considerations so that they provide a clear indication as to how a decision-taker should react to a proposal,
- Ensuring that the implementation of HS2 is taken appropriate account of in decision-taking, and
- Including clear monitoring indicators, triggers for bringing reserve sites forward, and parameters that would result in the need to review the Plan.

¹ [NWBC20G]

Introduction

1. This report contains my assessment of the North Warwickshire Local Plan in terms of section 20(5) of the Planning & Compulsory Purchase Act 2004 as amended (the '2004 Act'). It considers first whether the Plan's preparation has complied with the Duty to Co-operate ('DtC'). It then considers whether the Plan is compliant with legal requirements, including in respect of the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended (the '2012 Regulations'), and whether it is sound.
2. Paragraph 182 of the National Planning Policy Framework 2012 ('NPPF2012') sets out that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy. NPPF2012 paragraph 154 explains how plans should be aspirational but realistic, and include only policies that provide a 'clear indication' of how a decision-taker should react to a development proposal. This report deals with matters related to soundness, rather than responding to every point raised over the course of examination.

Main Modifications ('MMs')

3. In accordance with section 20(7C) of the 2004 Act NWBC requested that I recommend any MMs necessary to make the Local Plan sound. This report explains why all recommended MMs are necessary in that context. All MMs relate to matters discussed during the hearings, are referenced in bold in this report, and set out fully in the associated Appendix.
4. As noted in the non-technical summary, consultation on the latest schedule of MMs followed an earlier round of consultation on the Plan at examination between 27 August and 7 October 2020. That earlier consultation was in turn supported by a previous iteration of the schedule of MMs and additional SA work.² Between 4 March and 14 April 2021 NWBC also consulted on a schedule of additional modifications, which do not go to soundness but are rather for clarity and the correction of typographical errors ('AMs').
5. I have taken account of all responses received to consultation, in relation to MMs and otherwise. In some instances I have amended the wording of MMs for precision or internal consistency (explained as necessary). However my doing so has not altered the fundamental aims of MMs, nor undermined the participatory process in which they were created or the SA and HRA work in respect of them.
6. The explanatory text to a policy has some bearing on its application; for effectiveness the justification for a policy must be consistent with its aims and intended application. Therefore certain MMs relate not only to policies in the Plan but to their justification and associated evidence. Some AMs are inevitably included within MMs for ease of understanding.

² [NWBC20E, CD1/2A].

Changing circumstances at examination

7. A revised version of the National Planning Policy Framework was published on 24 July 2018 while the Local Plan was at examination. A further updated version was published on 19 February 2019 ('NPPF2019'). NPPF2019 paragraph 214 sets out transitional arrangements for plans submitted before its publication; for the purposes of examining this Local Plan, the policies in the NPPF2012 apply. Similarly I have taken account of relevant elements of the Planning Practice Guidance ('PPG') as it stood before the publication of the NPPF2018. I also note that the Government's 'Planning for the future' White Paper was published on 6 August 2020, setting out potential future planning reforms.
8. Nonetheless the NPPF2019 has applied in decision-taking since its publication and cannot therefore be set aside entirely. Consequently, in so far as necessary and proportionate, the implications of the NPPF2019 were considered during the examination.
9. Similarly there have been various developments at examination, notably in neighbourhood planning locally and in terms of planning statute.³ Accordingly, and for consistency with NPPF2012 paragraph 154, those changing circumstances should be acknowledged (as would be achieved in particular via the inclusion of **MM3** and **MM56** which contain details in those respects). Any conflict between competing elements of the development plan must be resolved in favour of the latest to be adopted. Nevertheless, in line with section 38(6) of the 2004 Act, decisions on particular proposals will need to be taken in accordance with the development plan as a whole, including any made neighbourhood plans, unless material considerations indicate otherwise.

Clarifications

10. The starting point for the examination is the assumption that NWBC has submitted what it considers to be a sound plan. The latest iteration of the Local Plan, dated March 2018, is entitled the 'North Warwickshire Local Plan, Submission'.⁴ At examination the Council clarified that the proposed plan period is 2011 to 2033, notwithstanding that different elements of evidence cover differing time periods. NWBC have, however, adopted the convention of using monitoring, or financial, years in the formulation of the Plan as opposed to calendar years. Consequently, more precisely, the Plan runs from April 2011 to March 2033.
11. Whilst the Local Plan does not re-write history, its base date of 2011 is the same as the existing Core Strategy (adopted 9 October 2014). That has certain implications for calculating delivery, establishing needs, and forecasting supply. Much has also changed in the Borough since then, resulting in several proposed allocations being redundant having secured planning permission.

³ Including via the Town and Country Planning (Use Classes)(Amendment)(England) Regulations 2020.

⁴ [CD0/1].

12. The Core Strategy sat alongside certain policies of the North Warwickshire Local Plan 2006 (adopted originally on 4 July 2006, the '2006 Plan', which were thereafter saved by Government direction). The 2006 Plan overlapped with the Regional Spatial Strategy for the West Midlands, ultimately revoked in 2013 ('WMRSS'). Against that background the Local Plan is to be a single document addressing strategic matters, allocating sites, and setting out development management policies. It would replace both the Core Strategy and previously saved 2006 Plan policies.
13. The background to the Plan, including evidence supporting the Core Strategy, remains of some relevance. For example, as set out subsequently, nationally established household projections based on data from 2012, 2014 and 2016 are similar insofar as North Warwickshire is concerned ('HHP2012', 'HHP2014', 'HHP2016'). It is therefore reasonable, in principle, to have regard to evidence gathered under previous plan-making processes.
14. Certain elements of evidence supporting the Local Plan take 2011 as their base date, as is the case of the Strategic Housing Market Assessment (published in September 2015, the 'SHMA').⁵ Site allocations and development management policies now within the Plan were originally intended to be progressed as separate development plan documents. The Local Plan therefore aims to be a comprehensive document, aligned with the approach in NPPF2012 paragraph 153.
15. However the latest iteration of the Local Plan differs from the version published under Regulation 19.⁶ In the former, the proposed boundary for allocation 'H7', Land to the east of Polesworth and Dordon, is reduced, the limits of Coleshill town centre increased, and there are various typographical differences. Therefore, as set out in examination correspondence, the basis for the examination is the Regulation 19 version of the Plan.⁷ Any references in this report to the 'Local Plan', 'Plan' or to 'the Plan as submitted' are therefore to the Regulation 19 version.
16. Paragraph 1.8 of the Local Plan as submitted includes a commitment to early review in the eventuality of changing circumstances. However, for effectiveness, that commitment should include both the parameters that may lead to the need for early review, and the extent of the Duty to Cooperate ('DtC') engagement required in that context. That would be achieved via the inclusion of **MM6** which sets out that if evidence, monitoring indicators (set out below) or events identify that a significant change in provision is needed relative to that established in the Local Plan an early review, whether full or partial, will be undertaken.⁸

Policies Map

⁵ [CD8/10], which has been subject to various updates during the course of the examination [NWBC24].

⁶ Respectively [CD0/1, CD1/1].

⁷ [CD1/1].

⁸ Which I have amended since the version in [NWBC20G] to refer to a 'significant change', and to cross refer to monitoring indicators.

17. A Council must maintain a 'policies map' illustrating the geographic application of policies. That is the term used in statute, whereas the 'proposals map' is referenced on various occasions in the Plan. References to the latter should be amended, as would be achieved via various MMs.⁹ The policies map is not defined in statute as a development plan document, and I cannot therefore directly recommend MMs to it. However, a number of MMs require corresponding changes the policies map. That is notably the case in respect of Plan policy LP20 'Green Spaces', as reasoned subsequently. NWBC will, on adoption, need to ensure that the policies map is consistent with the implications of any relevant MMs.

Background to North Warwickshire

18. There is an overlapping administrative, housing, and functional economic geography here. NWBC is a member of the West Midlands Combined Authority ('WMCA'). The Borough falls within the area covered by the Coventry and Warwickshire Local Enterprise Partnership ('CWLEP'). Various economic studies or non-statutory plans covering differing areas, and with differing aims, are therefore relevant, including the West Midlands Strategic Employment Sites Study ('WMSESS') and CWLEP Strategic Economic Plan ('SEP').¹⁰
19. The Borough falls both within the Coventry and Warwickshire Housing Market Area ('CWHMA') and the Greater Birmingham Housing Market Area ('GBHMA'). That is a situation in common with only one other authority, Stratford-on-Avon District Council ('SADC'). However, as reasoned subsequently, there are significant differences between the geographic and functional relationship between North Warwickshire and its neighbours compared to SADC and its surroundings.
20. North Warwickshire is also located centrally within the national motorway network, in what is commonly referred to as the logistics 'Golden Triangle' around the M1, M6 and M42. That area is aptly described in the WMCA Spatial Investment and Delivery Plan as one with 'unequalled connectivity'.¹¹ That situation informed the WMRSS, and, in turn, the development of what are often referred to as 'Regional Logistic Sites' in the Borough served by rail freight interchanges (Hams Hall and Birch Coppice, presently home to a number of national and international firms).
21. The approach taken by NWBC to the formulation of the Plan in that context, and also by consequence of the close proximity of Birmingham, Coventry, Tamworth, Birmingham Airport, the route of HS2 and the Horiba MIRA Enterprise Zone is detailed below in respect of the DtC. Nonetheless much of the Borough has a strongly rural character. Around two-thirds is Green Belt, in and around which many smaller settlements are located. The distinctive character of the Borough also derives in large part from its canal, river and wetland network.

⁹ **MM19, MM28, MM30, MM31, MM68, MM70, MM87** and **MM100**.

¹⁰ [AD25, AD12].

¹¹ [AD37A].

Legal compliance

Duty to Cooperate ('DtC')

22. Section 20(5)(c) of the 2004 Act requires that I consider whether NWBC complied with any duty imposed on it by section 33A thereof in respect of the Plan's preparation. The DtC requires constructive, active and ongoing engagement with the aim of maximising the effectiveness of plan-making on strategic cross-boundary issues. The prescribed bodies in respect of the DtC are set out in Regulation 4 of the 2012 Regulations. Notwithstanding NPPF2019 paragraphs 24 to 27, the DtC is not a duty to agree, albeit that the exercise of the DtC is not a matter of process without effect.¹²
23. Several examination documents related to the DtC post-date the submission of the Plan for examination.¹³ However much of that later evidence clarifies the extent of earlier discussions or formalises previously informal arrangements. There is therefore no reason to discount it, albeit that I have taken care to consider actions related to the DtC during the preparation of the Plan. Failure to comply with the DtC cannot be remedied at examination.¹⁴
24. The Plan was submitted for examination alongside a DtC Statement, with some evidence also in respect of engagement with prescribed bodies in the Council's 'Consultation Statement'.¹⁵ Those documents were, however, limited. The DtC Statement indicated that various meetings had occurred with neighbouring Solihull Metropolitan Borough Council ('SMBC') specifically regarding the implications of an HS2 interchange adjacent to the M42. However no such meetings are recorded in the Consultation Statement.
25. Similarly the only recorded meeting with the CWLEP in those documents was on 11 March 2016; the sole details given in that instance are that the discussion was about 'growth'. Thereafter the CWLEP made a representation at Regulation 19 stage that the Plan failed to 'fully acknowledge' the wider strategic economic context to the Borough. The Environment Agency and Historic England, both prescribed bodies under Regulation 4, objected to certain elements of the Plan as submitted. In March 2018 several memoranda of understanding between the Council and others were presented in draft form. At my request NWBC therefore produced a more detailed DtC Statement at examination.¹⁶
26. I accept that the predominant focus of the Plan is in respect of housing provision, rather than in respect of employment land (a matter I address in detail subsequently). However in itself that focus is not unreasonable in terms of the exercise of the DtC, and was not to the exclusion of other strategic issues detailed in the updated DtC statement. Instead that focus

¹² PPG Reference ID: 9-001-20140306.

¹³ [NWBC24, AD57].

¹⁴ PPG Reference ID: 9-012-20140306.

¹⁵ [CD0/5, CD0/2].

¹⁶ [NWBC4], with further detail in [NWBC2, NWBC3, NWBC9].

results from significant housing pressures around the Council's borders, particularly the number of houses relative to needs that neighbouring Birmingham City Council ('BCC') is unlikely to be able to meet within its administrative boundary. The examination of the Birmingham Development Plan (adopted 10 January 2017, the 'BDP') identified that housing shortfall as likely to be around 37,900 homes to 2031.

27. The Plan as submitted is clearly framed in that context, acknowledging the potential for the Borough to accommodate around 10% of that likely shortfall. As detailed subsequently that approach was informed by evidence, but is equally described by the Council as having been arrived at in part out of 'pragmatism', consistent with the ethos of the DtC.
28. 3,790 homes, 10% of the likely shortfall in BCC's administrative area noted above, over the 22 year LP period is 172 dwellings annually.¹⁷ That is comparable with the former Core Strategy annual requirement of 175 homes, excluding any agreement with Tamworth Borough Council ('TBC'). That is also in addition to the Plan's proposed 'baseline' requirement which, as a simple average, amounts to 264 dwellings per annum ('dpa'). By any measure that is a significant step-change. I consider housing needs in greater detail subsequently, however insofar as the DtC is concerned, that clearly demonstrates how engagement has resulted in tangible outcomes.
29. In respect of the mechanics of engagement, the updated DtC Statement provides detail on the composition of meetings held before the Plan's submission along with their frequency, and the subjects discussed. Officer-level discussions were undertaken monthly, including representatives from CWHMA authorities, SMBC and the CWLEP. There is detailed evidence of 16 such meetings between April 2016 and the Plan's submission.¹⁸
30. Agendas for those meetings refer to various strategic cross boundary issues including housing, the work of the WMCA and CWLEP, and the implications of evidence preparation and plan making progress of other authorities. The Council have also engaged specifically within relevant neighbouring authorities regarding the implications of site allocations close to its borders, and also in respect of HS2 and Birmingham Airport.
31. There were also ten meetings of the GBHMA 'technical officer group' before the submission of the Local Plan, a key outcome of which was the joint commissioning of the Greater Birmingham Strategic Growth Study ('SGS').¹⁹ The SGS takes an overview of housing needs across constituent authorities, including in North Warwickshire, and suggests potential approaches to increase supply. The residential densities advocated in policy LP7 of the Plan as submitted align with the approach advocated via the SGS, albeit that the SGS reflects potential options rather than a prescriptive strategy. Officer-

¹⁷ Notwithstanding that figure is calculated to 2031.

¹⁸ [NWBC9].

¹⁹ [CD8/23].

level discussions have also been the forum for jointly commissioned evidence, including the SHMA and 2016 Joint Green Belt Study.²⁰

32. Several finalised position statements are also before me, including between NWBC and TBC, Lichfield Borough Council, Warwickshire County Council, Staffordshire County Council, Highways England and NHS Clinical Commissioning Groups.²¹ I note also that Nuneaton and Bedworth Borough Council is now a signatory to the CWHMA memoranda of understanding in respect of housing provision and apportionment across the CWHMA, which was previously agreed by all other relevant authorities.²² In that context there is no indication that any growth has been 'forced upon' the Council, nor that the lack of objection from certain authorities or Regulation 4 bodies resulted from inadequate engagement (as some representors suggested).
33. Discussions during the examination have also resolved a significant number of issues raised by Historic England and Natural England in their Regulation 19 representations, as detailed subsequently. However the initial concerns of those organisations related principally to the soundness of the Plan, or particular aspects of it, rather than to fulfilling the requirements of the DtC in terms of open and constructive engagement.
34. North Warwickshire has previously accommodated growth in employment provision exceeding that of its population by consequence of its strategic location.²³ That background has informed the approach taken in the Plan and SHMA. The SHMA proceeds on the basis that employment provision in the Borough will grow by approximately 0.4% per annum, relative to the 2015 Cambridge Econometrics forecast for the CWHMA as a whole of 0.7%. As set out subsequently that approach is reasonable rather than artificial.
35. The Plan is also supported by an Employment Land Review ('ELR').²⁴ The ELR sets out how, were 3,790 homes delivered in accordance with the approach to meeting likely unmet needs arising in BCC's administrative area, employment growth in the Borough would stand at around 1.2%. That is close to double the Cambridge Econometrics forecast, and will mean the Borough continues to be something of an outlier in terms of providing employment opportunities relative to its neighbours.
36. There is evidence of strong demand for employment provision, logistics in particular, in the Golden Triangle and along the M42 corridor. However it is not necessarily the case that such needs must be met in North Warwickshire (or that they should be in planning terms). The WMSESS identifies a broad zone along the M46 in which demand for large-scale logistics and employment provision is acute, 'Area A', which covers a number of authorities.

²⁰ [CD6/9].

²¹ Including [AD2, AD3, AD4, AD5].

²² [NWBC4, Appendix 4, AD6].

²³ [CD8/10, paragraphs 4.56-4.57].

²⁴ [CD8/8].

37. On this issue, the Inspector who examined the Core Strategy reasoned that 'although there would appear to be potential for further growth in this sector in the Borough (discussed below) this is not certain, employees are drawn from the wider sub-regional job market and I agree that these projections should be viewed with caution'.²⁵ That logic still stands. Whether the outcome in terms of the employment space requirement is sound does not detract from the positive, collaborative, approach that NWBC has taken in formulating the Plan recognising the Borough's wider context.
38. Paragraph 7.49 of the Plan as submitted, however, explains that 'wider than local needs for large [employment] sites' are 'not an issue that North Warwickshire needs to consider further'. I understand that reflects the Council's view that, having explored that matter, the Plan makes appropriate provision via policy LP6. However the meaning of paragraph 7.49 is unclear, and is not consistent with the emphasis on supporting economic growth in NPPF2012 paragraphs 19 to 21. In light of my reasoning above, paragraph 7.49 equally does not accurately reflect the Council's approach to formulating the Plan. That paragraph should therefore be deleted (via **MM37**).
39. NWBC has evidently taken forward and built upon the cross-boundary work during the formulation of the Core Strategy. That process has, in turn, resulted in various tangible outcomes and has been integral to developing the Plan. I am therefore satisfied that NWBC has engaged constructively, actively and on an ongoing basis with relevant organisations in order to maximise the effectiveness of the Plan in addressing strategic cross-boundary policies. The requirements of the DtC have therefore been met in the preparation of the Plan.

Human Rights and the Public Sector Equality Duty

40. I have had due regard to the aims of section 149(1) of the Equality Act 2010 (the Public Sector Equality Duty, 'PSED'). In summary the PSED requires that due regard is had to elimination of discrimination, advancing equality of opportunity, and fostering good relations with regard to those who share a relevant protected characteristic identified in Section 149(7) of the Equality Act 2010 and those who do not. I have also had regard to section 6(1) of the Human Rights Act 1998, which incorporates into domestic statute the rights set out in Articles of the European Convention on Human Rights ('ECHR').
41. Equalities and Human Rights implications informed my consideration of various matters during the examination, including, but not limited to, policies LP7 and LP10. Amongst other things, the former aims to provide different types of housing with reference to the differing characteristics of the local population. The latter concerns how suitable provision may be made for travellers, as defined via Planning Policy for Traveller Sites (published in August 2015, 'PPTS2015').

²⁵ [AD29, paragraph 7.53].

42. The Plan is supported by equalities assessment work. NWBC also engaged with various 'general consultation bodies' in the development of the Plan, some of which represent the perspectives of those with protected characteristics.²⁶ With reference to the Council's Sustainable Communities Strategy, paragraph 6.5 of the Plan sets out how the Council will look to 'contribute effectively' to various objectives, including the needs of those with differing protected characteristics.
43. In that context certain policies, such as those seeking to provide community facilities, housing of different types and traveller provision will entail positive implications for those who share protected characteristics. In the light of the above, the Plan has been formulated and examined with due regard to the 2010 Act and Human Rights Act 1998 and, in substance, would not entail unacceptable effects in those regards.

Sustainability Appraisal ('SA')

44. SA is an iterative process of assessing the likely effects of a plan or programme in environmental, economic and social terms required via section 5(5) of the 2004 Act. SA incorporates the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 as amended (the 'SA Regulations'). NPPF2012 paragraph 165 describes how SA should be 'an integral part of the plan preparation process'. SA is therefore relevant in respect of section 39(2) of the 2004 Act, which requires that the objective of contributing to the achievement of sustainable development is pursued via the formulation and examination of local development documents.
45. SA Regulation 12(2)(a) sets out how an SA report should consider 'reasonable alternatives taking into account the objectives and geographic scope of the plan or programme' (my emphasis to reflect the qualified nature of that requirement). In respect of substance rather than process, SA is relevant in the context of NPPF2012 paragraph 182, which states that a plan should represent 'the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence'.²⁷
46. A body of case law relates to the application of SA.²⁸ Several judgements are relevant in respect of the cases made by various parties at examination. In summary, there is substantial discretion in the process of identifying what may constitute a 'reasonable alternative'. It is acceptable for SA work to reference earlier studies, provided that they are accessible and current, and that reasonable alternatives should be subject to the same level of analysis as a preferred approach. In certain circumstances defects in SA processes may be capable of being remedied at examination, provided that does not amount to justifying a predetermined outcome.

²⁶ [NWBC19].

²⁷ Noting that NPPF2019 paragraph 35. b) sets out how a plan brought forward after 24 January 2019 should represent 'an appropriate strategy, taking into account the reasonable alternatives...'.
²⁸ [INSP11].

47. As noted above the Plan proposes enabling significantly greater levels of development compared to the Core Strategy. However at examination NWBC explained that the spatial distribution of development proposed via the Local Plan was 'established through previous Local Plans and the adopted Core Strategy'. In terms of the proposed spatial distribution of development within the Borough, the Plan as submitted is informed by a Settlement Sustainability Appraisal of January 2010 ('SSA').²⁹
48. In that context some representors suggested that the SA process was fundamentally flawed by virtue of failing to acknowledge the significance of the change proposed via the Plan, and consequently that the Council should have looked afresh at a wider range of potentially 'reasonable alternatives' compared to those assessed. I also heard arguments that the Local Plan and SA work associated with it was inappropriately housing-led, as opposed to considering differential levels of employment land provision as principal inputs, and that undue significance was also accorded to existing constraints to development. The latter was notably raised in respect of the extent of the Green Belt as defined via the Core Strategy.
49. The version of the SA submitted at examination draws from an early 'Growth Options Paper' ('GOP').³⁰ The GOP was initially reported to Council Members on 25 April 2016. In summary it sets out five options for accommodating growth 'generated from within the Borough' (IN1-5) and five for accommodating growth 'generated from outside the Borough' (OUT1-5). I accept that is something of a simplification of the nature of needs here, which is addressed elsewhere in this report.
50. Nevertheless, those options range from effectively rolling forward the approach in the Core Strategy (IN1) to enabling greater development around the periphery of the Borough (IN2/OUT2) to creating a new settlement (IN5/OUT5). Briefly, the GOP identified options IN2, IN5, OUT1 and OUT2 as likely to entail the greatest 'positive' effects in terms of sustainability. Those options depart from the approach in the Core Strategy in placing greater emphasis on enabling greater development around the periphery of the Borough.
51. Subsequently, on 3 August 2016, initial sustainability appraisal work associated with the GOP was presented to the Local Development Framework Sub-Committee.³¹ Some representors contended that the failure to conduct specific public consultation on the GOP and the initial sustainability appraisal represents a procedural flaw. The argument was also made by some that, given both the GOP and initial sustainability appraisal work preceded consultation on the emerging plan under Regulation 18, that as of 3 August 2016 the Council had effectively 'made up its mind' insofar as the approach to the distribution of development is concerned.

²⁹ [CD6/3].

³⁰ [CD1/2, CD6/6].

³¹ [CD6/7].

52. I acknowledge that the SA accompanying the Plan as submitted considered only two options in terms of the overall quantum of development that should be addressed. The first option was rolling forward the approach in the Core Strategy, the second 'aspiring' to accommodate 10% of likely unmet needs arising in BCC's administrative area. That was on the basis that the Council considered no other alternative levels of development to be reasonable.³²
53. However, as set out in paragraph 46 above, there is substantial discretion in the process of identifying reasonable alternatives. In my view there is no necessity to 'wipe the slate clean'. The history to an area will inevitably influence its future. There is a parallel with establishing housing needs; the PPG setting out how that process does not require the consideration of 'purely hypothetical future scenarios...'.³³
54. At my request the Council updated the SSA referred to above (the 'USSA').³⁴ In summary the USSA assesses the role and function of settlements by attributing scores to the presence of certain services and facilities. I accept that it contains some 'double-counting' in that respect.³⁵ Nevertheless the scoring in the USSA is broadly consistent with the January 2010 SSA. It provides a proportionate evidence base at a plan-making stage for determining how development might be distributed in working towards sustainable patterns of development.
55. I have set out above how there has historically been an imbalance in the relative growth rate of employment opportunities in the Borough compared to housing delivery. As such, adopting a qualified future projection for employment growth as a parameter in respect of SA work is not inherently unreasonable. Similarly, building on my earlier reasoning, Green Belts are designated as such by virtue of their essential characteristics of 'openness and permanence'. There is detailed evidence in support of the Plan related to the Green Belt, with some release proposed rather than it having been treated as untouchable.
56. Turning to the process and timing of SA work, the GOP referred to above is a discussion document rather than recommending a particular approach be taken without due consideration. It was put to Members on 25 April 2016 with the recommendation that SA be undertaken in respect of the options that it contained. In that context, there is nothing before me to indicate that it served to 'predetermine' the outcome of future SA work.
57. The recommendation to committee at 3 August 2016 on the GOP and associated SA work is that both be put out to consultation along with the Regulation 18 version of the Local Plan. Although there was some delay in publishing the SA alongside the Regulation 18 version of the Plan, there was nevertheless appropriate opportunity for individuals to comment on it at that stage. Different individuals rationally hold different views as to what

³² [INSP12, CD1/2].

³³ Reference ID: 2a-003-20140306.

³⁴ [CD6/3].

³⁵ For example where individual bus routes are scored twice as they pass through Polesworth with Dordon.

would represent the most appropriate strategy for the Borough. However that is indicative only of differing perspectives rather than that the Council has failed to undertake SA in an appropriate manner or to have had regard to representations made in that respect.

58. Paragraph 4.46 of the Regulation 19 SA explains that, following consultation at Regulation 18 stage, the Council identified a preferred pattern of growth based on a 'mixture of [GOP] growth options IN1 and IN2 and OUT1, OUT2 and OUT3'. Cogent reasons for that 'hybrid' approach are set out in the Regulation 19 SA.³⁶
59. That hybrid approach has evolved as a result of SA being undertaken as an iterative process, precisely its purpose. Taking account of the history of SA work supporting the Local Plan,³⁷ that approach has been evaluated in a comparable manner along with other alternatives. There is an extensive history to SA work in respect of the Local Plan as submitted; sustainability appraisal was also undertaken in respect of potential allocations and development management policies when separate development plan documents were proposed in those respects.³⁸
60. Returning to paragraph 52 of this report, at my request the Council produced an update to the SA at examination.³⁹ That considered different levels of housing delivery and employment land provision over the Local Plan period. The evidence before me at examination indicated a range of potentially reasonable alternatives, principally on the Council's evidence in respect of the functional commuting relationship of the Borough to its surroundings.⁴⁰
61. It could be argued that the SA should have assessed a higher quantum of development still, whether for housing or employment land, or both. However, as detailed subsequently, if housing growth of 9,598 homes were to be achieved over the plan period, that would represent household growth of approximately 1.8% in the Borough. That would outstrip household growth of any West Midlands local authority between 2001 and 2017 by a substantial margin.⁴¹ Delivery at that level is likely to be at the threshold of what the market can realistically deliver and absorb. By consequence that, in my view, is not a manifestly reasonable alternative.
62. Moreover, as set out above MMs have also been subject to SA. Therefore SA has been undertaken in respect of development prospectively exceeding the minimum requirements (as reasoned subsequently in respect of policy LP6 in particular). Drawing together my reasoning above, SA has been undertaken in respect of differing distributions of development, levels of development, and in respect of particular policies on various occasions throughout the development of the Plan. That process has iteratively

³⁶ [CD1/2, table 4.4].

³⁷ [PS.M4.01].

³⁸ [CD1/3, CD4/2].

³⁹ [AD45].

⁴⁰ [INSP12, AD24].

⁴¹ [CD8/23, table 63].

informed the approach taken, rather than leading towards a predetermined outcome. The Sustainability Appraisal process associated with the Local Plan is adequate.

Habitats Regulations Assessment

63. Habitats Regulations Assessment refers to the assessment process as to whether a plan or project is likely to have significant effect on protected habitats sites (under the provisions of the Conservation of Habitats and Species Regulations 2017 as amended). The Habitats Regulations Assessment ('HRA') supporting the Local Plan combined both 'screening' and 'Appropriate Assessment' stages of the foregoing process.⁴² However the HRA pre-dates the *People Over Wind* judgement,⁴³ the essence of which is that measures to reduce effects of plans or programmes in respect of habitats sites should be considered by way of Appropriate Assessment (as opposed to integrated with an earlier screening assessment).
64. In that context HRA paragraph 5.7 notes that consideration has been given to the potential for mitigation measures through the Local Plan to avoid significant adverse effects to the Special Area of Conservation ('SAC') established covering the Cannock Extension Canal (accorded protection principally on account of its aquatic flora and the species which are reliant on that habitat). Nevertheless HRA paragraph 5.10 clarifies that such effects, in combination, have been assessed by way of Appropriate Assessment.
65. As clarified in an HRA Advice Note produced at examination, no policies in the Local Plan were screened out on the basis of mitigation measures alone (albeit that the Local Plan, as a whole, contains policies which will inherently mitigate potential adverse environmental or ecological effects).⁴⁴ The HRA Advice Note further clarifies, at paragraph 1.7, in respect of all policies where potential adverse environmental effects could not be screened out, that Appropriate Assessment was undertaken.
66. Consultation on MMs was further supported by a Habitats Regulations Assessment Report of February 2021 which considered the potential for likely significant effects to arise, amongst in other respects, in connection with the Cannock Extension Canal SAC, the River Mease SAC and Ensor's Pool SAC. Notwithstanding their ecological value, the Sites of Special Scientific Interest ('SSSIs') at the Whitacre Heaths Reserve and Alvecote Pools are not designated pursuant to the Conservation of Habitats and Species Regulations 2017 as amended as part of National Site Networks.
67. In that context I note that conservation and preservation of ecology more broadly, with reference to internationally, nationally and local designated sites of importance for biodiversity, are addressed via Local Plan policy LP16 as are effects in respect of flooding and climate change via Local Plan policy

⁴² [CD1/7].

⁴³ *People Over Wind & Sweetman v. Coillte Teoranta* (Environment – Conservation of natural habitats – Judgement) [2018] EUECJ C-323/17.

⁴⁴ [NWBC11, Appendix C].

LP35. I am therefore satisfied that Habitats Regulations Assessment processes have been undertaken based on suitable evidence, that likely significant effects have been assessed appropriately, and that associated mitigation has been secured through the Local Plan as a whole.

Other aspects of legal compliance

68. The Plan has been prepared in accordance with the Council's Local Development Scheme, which has twice been updated in the course of the examination.⁴⁵
69. I acknowledge that some have found engaging in the development of the Plan relatively complex given its origins as three separate development plan documents and the number of opportunities that there have been to make representations. Nevertheless, there is no evidence to indicate other than that the Plan has been prepared in accordance with the consultation and publication requirements in the 2012 Regulations.
70. At formative consultation stages of the Plan's preparation certain evidence documents were unavailable initially.⁴⁶ However there was nevertheless the opportunity to comment on those documents prior to the Plan's submission. I note that both the Regulation 18 and 19 consultation on the Plan were extended accordingly.
71. There have also been several occasions during the examination process to comment on all relevant documents and evidence. I also note that the Council has actively engaged with local communities through various means in the formulation of the Plan, including via social media notifications. I am therefore satisfied that the Local Plan has been prepared in accordance with the expectations set out in NWBC's Statement of Community Involvement,⁴⁷ and that individuals have had suitable opportunity to engage meaningfully in the development of the Plan.
72. The Plan, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the local planning authority's area (subject to clarification via **MM12** which would clarify which policies are 'strategic' or not, as dealt with subsequently).
73. The Plan, taken as a whole, includes policies designed to ensure that the development and use of land in the local planning authority's area contributes to the mitigation of, and adaptation to, climate change (notably policies LP14, LP16, LP31 and LP35).
74. The Plan complies with all other relevant legal requirements, including in the 2004 Act and the 2012 Regulations. That is subject to the foregoing reasoning and MMs.

⁴⁵ [CD5/4, CD5/4A].

⁴⁶ Including, at Regulation 18 stage supporting Sustainability Appraisal work and an amended Infrastructure Delivery Plan [CD2/2, CD2/3], and at Regulation 19 stage a document entitled 'Assessment of the Value of the Meaningful Gap and Potential Green Belt Alterations' [CD6/10].

⁴⁷ [CD5/2].

Assessment of Soundness

Main matters

75. Taking account of all representations, written evidence and hearing discussions, I have identified eight matters upon which the soundness of the Plan depends. This report deals with these main issues in order of aims and overarching objectives, strategic policies, site allocations and development management policies. It does not respond to every point or issue raised by representors, nor is every policy, policy criterion, or allocation referenced.

Matter 1, are the aims and objectives of the Plan justified with reference to local circumstances and national policy?

Remit of the Plan

76. Returning to my reasoning in paragraph 8, the Local Plan should reference the existence of the NPPF2019 to ensure that it is applied in a manner consistent with national policy upon adoption (as would be achieved via the incorporation of **MM2**). Taking account of the evidential basis upon which the Local Plan is based, neighbouring authorities' plan-making progress, and the surrounding context to the Borough, in my view the Plan period is appropriate (with reference to NPPF2012 paragraph 156). Future developments likely to occur towards the tail-end of that timeframe will have a significant effect on the Borough and its surrounding context; notably High Speed Two ('HS2'). Moreover in its approach to highway infrastructure and via the identification of 'reserve' sites in particular, the Local Plan takes account of longer-term issues that will be relevant well beyond 2033.
77. Given the duration that the Local Plan has been at examination, NWBC have reviewed, updated and added to various elements of evidence originally submitted. Whilst I accept that has introduced some complexity into the examination process, the examination of any plan inevitably takes some time and must respond to changing circumstances. The NPPF2012 expects that a plan is supported by a 'proportionate' evidence base.
78. In that context, NWBC clarified during the third set of hearings that the latest comprehensive data available in respect of development trends in the Borough is available only from the 2018/19 monitoring year. I understand that is principally a consequence of the practical challenges associated within completing monitoring in the light of the Covid-19 pandemic.
79. However, for three principal reasons, the lack of comprehensive data beyond 2018/19 does not mean that the Plan is flawed. Firstly the Local Plan period starts in April 2011. There are therefore eight years' worth of monitoring data to consider. Secondly, as noted above, it would be unrealistic to require that all evidence supporting a plan is perpetually accurate; plans should provide a suitable framework in which decisions are taken. Thirdly, monitoring of the Plan alongside the statutory requirement

to review local development documents every five years,⁴⁸ will ensure that any subsequent trends are appropriately taken into account.

80. I am therefore satisfied that the evidence supporting the Local Plan is relevant, adequate and sufficiently up-to-date within the terms of NPPF2012 paragraph 158. There has also been appropriate opportunity for any interested individuals to comment on the Local Plan as submitted, and in respect of subsequent information or evidence at examination.
81. Whilst reasonable in principle to have regard to evidence gathered under previous plan-making processes, the Local Plan must be legally compliant and sound in and of itself. It cannot rely on inherited approaches from earlier plans without justification. As submitted, however, the Plan suggests that is the case; policies are stated to deliver against the aims of the Core Strategy. The distribution of development proposed via the Plan is inaccurately noted as derived from the Core Strategy and 2006 Plan, whereas a fresh assessment has been undertaken. For effectiveness those ambiguous references should be deleted (as would variously be achieved via incorporation of **MM1**, **MM5**, **MM22**, **MM23**, and **MM115**).

Strategic policies

82. NPPF2012 paragraph 156 explains how a plan should set out the strategic priorities for the area. The NPPF2019 is more directive on that issue; paragraph 21 emphasising that plans should 'make explicit' which policies are strategic or not, and practically on adoption the NPPF2019 will need to be considered as a material consideration in decision-taking. In substance, the Plan addresses both strategic and non-strategic policies. However the distinction between the two is not clearly defined, and, to be 'future proofed', that should be set out clearly.
83. At examination the Council indicated an approach as to how that split could be achieved [NWBC24, Appendix J]. Justifiably that approach identifies as strategic policies which are central to achieving the overarching strategy, or which relate to issues with clear cross-boundary implications. For consistency with NPPF2012 paragraph 156 [NWBC24, Appendix J] should therefore be included in the Local Plan. That would be achieved via **MM12** tabulating which Plan policies fall within each category.⁴⁹ **MM12** would, in turn, necessitate incorporating **MM11** to ensure that the Plan accurately reflects the statutory basis in which neighbourhood plans are prepared.
84. The Plan's objectives, strategic policies, allocations and development management policies need to be consistent with one another. In my view this Plan should not include practical guidance related to the design of the built environment; such guidance is inevitably advisory and context specific, the nature of the built environment varying significantly across the Borough. Accordingly **MM4**, **MM116**, **MM117** and **MM118** are necessary to remove design guide appendices H, I and J. That does not, however, preclude their being progressed separately. Similarly, so as to provide appropriate

⁴⁸ Under The Town and Country Planning (Local Planning)(England)(Amendment) Regulations 2017.

⁴⁹ **MM12** takes account of the implications of **MM65** in respect of Plan policies LP21, LP22 and LP23.

flexibility in line with NPPF2012 paragraphs 32 and 39, and to reflect the approach in the PPG,⁵⁰ the status of Appendices G and K of the Local Plan needs clarification. The former relates to transport assessment thresholds and the latter to parking standards. **MM67** and **MM83** would reflect that those thresholds and standards should be treated as indicative.

Objectives

85. As referenced by various representors, the distinctive character of the Borough derives in large part from its canal, river and wetland network (valuable assets in terms of heritage and ecology). However their significance is little recognised in the Plan as submitted, including in respect of the potential implications of climate change and flood risk. For consistency with the approach in NPPF2012 paragraphs 99, 100 and 109, **MM9** and **MM16** should therefore be incorporated.
86. There are various mineral reserves within the Borough. There is also an extensive historic mining legacy (including shallow coal pit workings up to and around the mid nineteenth century, notably around Polesworth with Dordon and at Atherstone and Coleshill). Daw Mill Colliery, the last deep mine in the Borough, ceased operation only in 2013. However neither Plan paragraphs 2.19, 10.6 nor 14.38 precisely align with emerging policies in the Warwickshire Minerals Plan (submitted for examination on 29 November 2019) and should therefore be amended pending the outcome of that process. That would be achieved via **MM8**, **MM58** and **MM97**.
87. The character and history to the Borough is reflected in various ways beyond its mining heritage. The Borough benefits from numerous natural and heritage assets, with much land owned by the private estates of Packington and Merevale and Blyth. Despite deindustrialisation, there remain few vacant or underutilised brownfield sites.⁵¹ Nevertheless, and for consistency with NPPF paragraph 111, where previously developed land is available, support should be given for appropriate re-use. That would be achieved via the incorporation of **MM74**.
88. Incremental development within the Borough over time, and also growth in the wider area, have limited the extent to which comprehensively-planned infrastructure improvements have previously been achieved. That is notably in respect of the A5, but also in respect of other forms of (social) infrastructure. As submitted the Local Plan refers to infrastructure provision somewhat haphazardly, as opposed to coherently in pursuit of the objectives of NPPF2012 paragraphs 21, 31 and 156. Demographically, despite good levels of economic activity and also access to open space, there is an ageing population profile and relatively poor levels of health. In that context the particular local importance of securing appropriate, timely, and joined-up infrastructure provision should be set out clearly (along with the mechanisms for so doing). That would be achieved via the inclusion of **MM10**, **MM19**, **MM20**, **MM21** and **MM36** which variously iterate clearly the

⁵⁰ Reference ID: 42-013-20140306.

⁵¹ Noting limited entries within the Council's brownfield register pursuant to regulation 4 of the Town and Country Planning (Brownfield Land Register) Regulations 2017.

various forms of infrastructure in respect of which contributions may be sought in conjunction with proposed development, and the mechanics for securing such contributions

89. The surrounding context to the Borough results in a challenging exercise of enabling growth, ensuring appropriate infrastructure provision and maintaining local distinctiveness. Different individuals, understandably, hold different views as to how those tensions should best be reconciled. Nevertheless in that context guiding development principally towards larger settlements as proposed via the Local Plan, where services and facilities are clustered and complementarity can be achieved with infrastructure provision, is logical (and consistent with the approach set out in NPPF2012 paragraphs 7, 17 and 34).
90. However, as submitted, Plan policy LP2 does not recognise the flexibility encouraged in the NPPF2012 and in the PPG towards housing provision beneficial to 'rural communities'. Despite its proximity to several more populous areas, much of the Borough is rural in character and comprises small settlements dotted about the landscape. Furthermore the PPG sets out how all settlements can play a role in delivering sustainable development. It guides that 'blanket policies' restricting development in some settlements, or preventing their expansion, should generally be avoided.⁵²
91. Similarly, with reference to NPPF2012 paragraph 158, as submitted Plan policy LP2 is based on ageing evidence as opposed to the USSA (an updated assessment of the availability of services and facilities settlement by settlement). By consequence the restrictive approach to enabling development only within established settlement boundaries defined pursuant to policy LP2 is inconsistent with national policy. It would also undercut Plan policy LP8, which accords in-principle support to windfall development of 60 dwellings per annum ('dpa'). An uplift in housing delivery in the Borough over recent years has, in large part, resulted from permitting development outside of settlement boundaries.
92. Warton, in particular, illustrates that trend. Under Plan policy LP2 Warton is described as a 'category 4 settlement', the smallest settlement type identified in the Plan. In line with my reasoning in paragraph 89 above, justifiably policy LP2 seeks to enable limited organic growth associated with category 4 settlements (usually of sites of no more than 10 dwellings). However, on the evidence before me, it appears that since 2011 proposed allocations and permissions around Warton would amount to some 228 new dwellings.⁵³
93. Consequently, for appropriate flexibility enabling all settlements to play a role in delivering sustainable development consistent with national policy, and also for consistency with Plan policy LP8, **MM14**, **MM19** and **MM24** should be incorporated. **MM24** is also necessary to clarify that the

⁵² Reference ID: 50-001-20140306.

⁵³ [INSP18], noting that the site to which allocation H26 relates has permission for the development of up to 128 homes (permissions Ref. PAP/2016/0280 and PAP/2017/0202).

settlement hierarchy applies to all forms of development; as submitted the Plan contains unsubstantiated distinctions between the particular types of development that would be supported in different locations.

94. Consistent with the overarching provisions of the NPPF2012, the Plan seeks to increase housing provision, to grow and to diversify the economy, and also to promote the vitality of existing settlements. However to achieve those aims, articulated via Local Plan objectives 3, 4 and 5, and to ensure sufficient flexibility to adapt to change in line with NPPF2012 paragraph 14, **MM54** and **MM65** should be incorporated. Those MMs would ensure that there is appropriate flexibility to change between uses where unacceptable effects would not arise.
95. Other Local Plan objectives, including those which seek to maintain or enhance the quality of the natural and built environment and improve access to open space and services and facilities, are justified given the particular local circumstances of the Borough (and also consistent with the core planning principles articulated in NPPF2012 paragraph 17). I note that the main thrust of objections to the Plan were whether or not those objectives would be achieved in practice, rather than whether they are appropriate in and of themselves. Nevertheless in respect of avoiding any adverse effects to public rights of way, Local Plan paragraph 6.13 is inconsistent with the approach to their protection and enhancement set out in NPPF2012 paragraph 75. **MM18** would ensure consistency in that regard.
96. Reiterating national policy in a Local Plan is arguably unnecessary, albeit that its inclusion is not, in my view, a matter of soundness. Local Plan paragraph 6.2 provides some commentary on the substance of policy LP1 'Sustainable Development'. However both paragraph 6.2 of the Plan as submitted and policy LP1, diverge from the phrasing of national policy in respect of the presumption in favour of sustainable development and are thus inconsistent with it. At examination the Council clarified that was not their intention. Consequently paragraph 6.2 should be deleted, as would be achieved via **MM17**. Reflecting my reasoning in paragraph 8 of this report, Plan policy LP1 should also be amended to reflect the approach in the NPPF2019 (as would be achieved via **MM21**).
97. In respect of matter 1, subject to incorporation of the MMs recommended above, I conclude that the Plan's aims and overarching objectives are justified with reference to local circumstances, and also consistent with the approach in relevant elements of national planning policy.

Matter 2, does the Plan represent a positively prepared strategy for meeting objectively assessed housing needs?

98. NPPF2012 paragraph 47 sets out that, in order to boost significantly the supply of housing, local planning authorities should seek to meet the full, objectively assessed needs for market and affordable housing in the housing market area (as far as is consistent with the NPPF2012 as a whole). Establishing objectively assessed housing needs ('OAHN') is the initial step

in that process, with policy objectives and constraints thereafter factored in to arrive at a requirement.⁵⁴

99. However, the history to an area, inevitably influenced by previous policies, affects future projections. There is a circular relationship between the two. Housing needs are also dynamic in that they interact with changing market circumstances. Establishing OAHN inevitably relies on certain assumptions, such as that migration between housing market areas will persist broadly in line with previous trends. Establishing OAHN is therefore inherently subject to a certain margin of tolerance; the PPG explains that establishing future housing needs is 'not an exact science'.⁵⁵

Housing market areas

100. As set out above, the Borough falls within both the CWHMA and GBHMA. In respect of establishing OAHN, the central document supporting the plan is a CWHMA Strategic Housing Market Assessment updated in 2015 ('SHMA').⁵⁶ I understand that no comparable GBHMA strategic housing market assessment yet exists. Whilst the Plan recognises that the Borough falls within an area of overlap of the CWHMA and GBHMA, Plan paragraph 7.34 incorrectly suggests that the CWHMA alone is the appropriate geography upon which to establish OAHN. To accurately reflect the functional geography in this location that paragraph should be deleted (as would be achieved via **MM33**). Whilst now produced some time ago, the SHMA has been assessed during the examination of other development plan documents, and further updated in the context of this examination to reflect changing circumstances since.⁵⁷ It has also formed the basis of an agreed distribution of housing across the CWHMA.

OAHN, 'demographic' components

101. In line with the approach in the PPG, the SHMA takes 2012-based household projections for the Borough as the 'starting point' for calculating OAHN. Several alternative approaches that could be taken to establishing housing needs, such as using different methodological inputs, result in little divergence from HHP2012 projections.⁵⁸ There is no substantive evidence indicating that an alternative approach would be a preferable starting point.
102. Adjusted for market dynamics including natural turnover of housing stock, SHMA table 53 sets out that the 'demographic based' OAHN for the Borough is 163dpa.⁵⁹ To that figure an additional 27dpa is added, reflecting evidence of a significant decline in household formation in the 25-34 year old demographic (a unique outlying group). The foregoing suggests a 'demographic', the term used by NWBC, OAHN component of around 190dpa. Neither household projections based on 2014 or 2016 data ('HHP2014', 'HHP2016') represent a meaningful change for the Local Plan.⁶⁰

⁵⁴ PPG Reference ID: 2a-004-20140306.

⁵⁵ ID: 2a-004-2040306.

⁵⁶ [CD8/10], drawing on an earlier 2014 document [CD8/9].

⁵⁷ [AD11, NWBC24, Appendix B].

⁵⁸ [CD8/9, paragraph 3.67].

⁵⁹ Over the period 2011-2031.

⁶⁰ [NWBC27, appendix 1(i)].

HHP2014 indicated almost identical levels of need across the CWHMA and in North Warwickshire. HHP2016 forecasts reduced CWHMA-wide needs by around 13%, however that is of little significance to the Borough.⁶¹

Student numbers

103. The accuracy of the SHMA, and of household projections, in reflecting student inflows and outflows was a matter addressed in the examination of the Coventry City Local Plan 2011-2031 (which also drew upon the SHMA). However household projections, now produced by the Office of National Statistics ('ONS'), are based on a broader range of indices in that respect, thereby resulting in a more refined output. Applying current ONS methodologies for calculating student numbers as a component of household projections results in only a fractional change to future forecasts across the CWHMA considered as a whole, of very little consequence for North Warwickshire.⁶²

NPPF2019, Local Housing Need ('LHN')

104. The examination of the Local Plan is on the basis of the NPPF2012. However the NPPF2019 nevertheless applies in terms of decision-taking. With that in mind, NPPF2019 paragraph 60 sets out how to 'determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment...'. The methodology by which LHN is calculated, drawing on HHP2014, is set out in the current version of the PPG. It is relevant to consider LHN as a sense-check to the approach proposed via the Plan.

105. As set out in Ministry of Housing Communities and Local Government ('MHCLG') live table 406, HHP2014 forecasts that in 2030 there will be 28,482 households in the Borough. That is relative to 27,057 in 2020. Expressed as a simple average over 10 years that amounts to 142.5 households annually. The latest median workplace-based affordability ratio is 7.23.⁶³ Adjusted with reference to the methodology in the current PPG, that indicates a minimum local housing need of around 171 households a year. That is slightly lower than the figure on which the Plan is premised (i.e. 190dpa referenced above). Noting that the LHN methodology has other facets, insofar as the Borough is concerned LHN is broadly consistent with the evidential basis upon which the Plan is formulated.

2018 based household projections ('HHP2018')

106. The PPG sets out how 'wherever possible local needs assessments should be informed by the latest available information... a meaningful change in the housing situation should be considered in this context, but does not automatically mean that housing assessments are rendered outdated every time new projections are issued'.⁶⁴ On 27 June 2020 ONS released household projections based on 2018 data ('HHP2018'). Insofar as North Warwickshire is concerned, those projections diverge considerably from

⁶¹ [NWBC16].

⁶² [NWBC17].

⁶³ ONS table 5c, released 28 March 2019.

⁶⁴ Reference ID: 2a-016-20150227.

earlier data series. HHP2018 forecast that in 2028 there will be 30,497 households in the Borough relative to 27,282 in 2018. That averages to annual growth of 321.5 households, compared to 142.5 as indicated via HHP2014. However, for five principal reasons, I am not of the view that HHP2018 data represents a meaningful change within the terms of the PPG.

107. Firstly, earlier data sets preceding HHP2018 are strongly consistent: HHP2012, HHP2014, HHP2016 and also LHN all indicate annual household formation in the Borough as falling somewhere within a range of 142.5 to 190dpa. HHP2018 data is a clear outlier. Secondly the methodological basis for HHP2018 differs from HHP2012 and HHP2014. As with HHP2016, HHP2018 is based on a 'shorter trend' period, and consequently shorter forward projection.⁶⁵ HHP2018 is therefore more likely to be skewed by recent events.
108. That methodological change appears to have resulted in a particular anomaly here. The Council explains that housing completions over the five year period 2014/15 to 2018/19 amount to 1,338 homes, compared to 409 for the preceding five year period.⁶⁶ Given the circularity referenced in paragraph 99 of this report, it appears that change in delivery has been cast forward resulting in significantly increased projections. As the Plan will have had some influence on decisions long before submission for examination, to input HHP2018 would effectively artificially enlarge the level of the growth that the Plan should rationally seek to accommodate.
109. Fourthly, returning to paragraph 19 of this report, along with only one other authority, North Warwickshire falls uniquely within both the CWHMA and GBHMA. I have dealt with the distinction between establishing housing needs and setting a requirement above. However, critically, HHP2018 projections vary considerably not only in North Warwickshire, but also in neighbouring authorities. For the GBHMA, HHP2018 projects a decline in household.⁶⁷
110. The implications of HHP2018 were considered not only in the third set of hearings but in examination correspondence with the Council.⁶⁸ In that context NWBC set out that if the implications of HHP2018 are considered at a wider geography using the methodology proposed via the Plan to addressing 'strategic' needs, the housing requirement would move from 9,598 to 10,015 (only by some 4% or about 19 homes annually over a 22 year plan period). That is relatively minor.
111. Fifth, Housing Delivery Test ('HDT') Data was released during examination on 19 January 2021. HDT is principally of relevance in the context of decision-taking and whether NPPF2019 paragraph 11.d) applies or not. Nevertheless it is also relevant as a further public data series relevant to levels of housing need. The HDT methodology, as set out in the associated

⁶⁵ ONS, 'comparing the difference between the 2014-based and 2016-based household projections' released 27 August 2019.

⁶⁶ [NWBC24B, Annex H].

⁶⁷ From around 10,490 to 8,096 dpa [NWBC27].

⁶⁸ [INSP21, NWBC27].

technical note, derives a trailing three year housing requirement of 172, 201, and 184 annually for the Borough.

112. I will return to delivery, which relative to those figures stands at around 140%. However those trailing figures are closely aligned with the figures returned from HHP2012, HHP2014 and HHP2016 adjusted for demographic factors. Therefore, given the particular circumstances relevant to this Plan, HHP2018 does not amount to a meaningful change within the terms of the PPG referenced above. Accordingly 190dpa represents the most reasonable demographically derived starting point for calculating OAHN.

OAHN, 'economic growth'

113. In addition to the 'demographically derived' elements of OAHN, the SHMA identifies that a further 47dpa are forecast to arise on account of 'economic growth', thereby generating an overall 'OAHN' of 237dpa. It is important to clarify the nature of that figure, notably as the Council explained that as the 'economic-led' need for housing is below the 'demographically-led' projections there is accordingly no need for 'upwards adjustments to support economic growth'. That is incorrect.

114. The SHMA explains how the additional figure of 47dpa relates to the level of employment growth projected to occur in the Borough in future years based on an 'informed view' of previous trends. Paragraphs 4.48 and 7.56 of the SHMA further clarify how that uplift is not attributable to policies seeking to encourage additional employment growth or investment. Therefore the additional 47dpa largely reflects that North Warwickshire falls within an area projected to take a certain trajectory. Rather than an active policy choice, that represents an adjustment to reflect particular local factors.

115. Based on 2015 Cambridge Econometrics data, employment growth is anticipated at 0.7% per annum across the CWHMA area. That is significantly less than the CWLEP's Strategic Economic Plan ('SEP'). Under certain scenarios, and subject to certain projects coming online, the SEP advocates an annual growth rate of 3.3%, notwithstanding any implications of the Covid-19 pandemic. However, the 47dpa referred to above is based on 0.4% annual employment growth as explained in paragraph 34 of this report.⁶⁹

116. Future needs are inevitably informed by past events. In my view it is therefore not unreasonable to take an informed view of the likelihood of past economic trends continuing. On account of the particular history to logistics growth in the Borough, NWBC is an outlier amongst all GBHMA authorities in having the greatest jobs density relative to its population (i.e. the ratio of jobs per capita). In 2011 the jobs density in the Borough stood at around 1.06 compared to 0.75 for the West Midlands, and 0.78 nationally.

⁶⁹ [AD12, CD8/23 paragraph 1.9].

117. Approximately 87% of employment space delivered between 2006 and 2012 was, furthermore, related to storage and warehousing.⁷⁰ That represents a distinct sectoral skew. Consequently, according a 47dpa uplift taking account of projected growth is a reasonable parameter (to which I will return in matter four). Adding that component to the figure of 190 dpa cited in paragraph 112 of this report, OAHN moves to 237dpa.

Wider 'strategic' housing needs

118. As reasoned above there is a divergence between household projection based forecasts and population growth predicted to arise based on an informed view of economic trends persisting. The Inspector who examined the Stratford-on-Avon Core Strategy, similarly in both the CWHMA and GBHMA, reasoned in that instance that only a 'very modest' component of OAHN would contribute towards addressing the unmet needs of other authorities.⁷¹ I agree with the essence of his logic in reaching that position, i.e. that OAHN should be established with reference to the relevant housing market area(s) to reflect 'broad trends'.

119. However there are significant differences between the District of Stratford-on-Avon and Borough of North Warwickshire. The town of Stratford-on-Avon is of a greater scale and economic gravity than any settlement in North Warwickshire. The settlement pattern of the Borough is dispersed, leading to a very high proportion of out-commuting associated with more populous surrounding areas. Similarly, on account of its connectivity, North Warwickshire is home to substantial logistics facilities. Neither neighbouring BCC, TBC nor Coventry City County are likely able to meet forecast housing needs within their tightly-drawn administrative boundaries (towards the tail end of their respective plan periods).

120. Given that specific context, in my view a fair proportion of the 47dpa referred to in paragraph 117 above may rationally be said to meet unmet needs arising across the CWHMA and GBHMA. Table 1 of the Plan as submitted is therefore something of an over simplification in indicating that figure may be entirely 'attributed' to meeting wider-than-local housing needs. The actual function of the 47dpa is somewhere between taking account of 'economic' growth in North Warwickshire and the migration of individuals from elsewhere. For effectiveness, that needs to be accurately reflected in the Plan, as would be achieved via the incorporation of **MM35**.⁷²

Establishing a housing requirement, GBHMA

121. In addition to the annual figure of 237dpa referenced in paragraph 117 of this report, NWBC have engaged with neighbouring authorities with a view to establishing a housing requirement. Reasonably, NWBC have considered the proximity, connectivity and strength of functional inter-relationships with neighbouring areas in that context. That work has informed the Plan aspiring to accommodate in excess of 237dpa.

⁷⁰ [CD8/6, paragraph 7.45].

⁷¹ Paragraph 60 of his report of 20 June 2016.

⁷² Incorporation of **MM35** renders table 2 of the Plan redundant.

122. The Council has committed to delivering 540 homes to meet needs arising in the wider CWHMA between 2021 and 2031. Averaged over 20 years that represents an additional 27dpa. As explained above, as submitted the Plan additionally 'aspires' to deliver a further 3,790 homes relative to BCC's anticipated shortfall. Expressed as a simple average over the 22 year Local Plan period, that would amount to a further 172dpa. Given that Birmingham is the prime regional generator of growth, that is a reasonable evidential proxy for likely unmet needs across the GBHMA.⁷³
123. However BCC explain that 3,790 homes would exceed that which 'would be required if it was strictly controlled by its functional relationship [to the City]'. The figure of aspiring to accommodate 3,790 homes relates to 2011 census data related to commuting trips.⁷⁴ It represents roughly the mid-point of commuter flows from Birmingham to North Warwickshire if expressed on the one hand as relating to an individual household, and on the other related to an average census household size of 2.39 people. If the commuting relationship between North Warwickshire and Birmingham is adjusted to the average census size, that suggests a lower figure of around 2,155 dwellings would be a proportionate contribution.⁷⁵
124. That figure informed the Council's additional SA work at examination. Following that report NWBC chose to maintain the intention to accommodate 3,790 homes, in part on the basis that it would entail additional social and economic benefits relative to a lower figure. The Council have not sought to reduce the housing requirement on the basis that doing so would be unachievable or undesirable, notwithstanding that there are greater potential environmental implications of a higher figure.

Establishing a housing requirement, Tamworth Borough Council ('TBC')

125. What is not accounted for in paragraphs 123 and 124 regarding the relationship between North Warwickshire and Birmingham is commitments that NWBC has entered into bilaterally with TBC. TBC falls within the GBHMA and, as indicated above, is unlikely to be able to meet forecast housing needs fully within its administrative boundaries over time. I note that NWBC Core Strategy policy NW4 set a minimum housing requirement between 2011 and 2029 of 3,650 dwellings (203dpa expressed as a simple annual average). Of that requirement 500 were to meet housing needs defined as arising in TBC's administrative area.
126. However plan-making in Tamworth has moved on since, notably via the adoption of the Tamworth Local Plan 2006-2031 in February 2016 (the 'TLP'). The TLP forecasts that the extent of likely unmet housing needs arising in TBC's administrative area, over that period, is likely to be around 1,835 homes. NWBC has agreed in principle to accommodate a further 413 homes in that context. For effectiveness and clarity that should be referenced in the Plan via incorporation of **MM7**.⁷⁶ As the base date of the

⁷³ [AD7].

⁷⁴ [AD24].

⁷⁵ I.e. around 5.7% as opposed to 10% calculated in those terms.

⁷⁶ With a superseded reference in Plan paragraph 14.51 deleted by consequence via **MM102**.

Local Plan is 2011, the total contribution that the Plan seeks to make towards meeting unmet needs arising in TBC's administrative Area is therefore 913 dwellings.

127. Returning to my reasoning in paragraphs 121 to 124 above, if the functional relationship in terms of commuting trends between North Warwickshire and both Birmingham and Tamworth are combined, adjusted for an average census household size of 2.39, the Plan seeking to accommodate 3,790 homes is broadly proportionate. Memoranda of Understanding between NWBC and BCC and TBC acknowledge that the 'discrete' figure of 913 homes is subsumed within the overarching figure of 3,790.

Components of the housing requirement

128. Drawing together my reasoning above, the components of a housing requirement are summarised as follows (on a simple annual average basis):

<i>Input</i>	<i>Figure</i>
2015 SHMA update (HHP2012)	159dpa
Housing market turnover and vacancy	+4dpa
Uplift for 25-34 year old demographic	+27dpa
2015 SHMA uplift for economic projections	+47dpa
CWHMA commitment (540) annualised over 20 years	+27dpa
GBHMA commitment (3,790) annualised over 20 years	+190dpa
Total annual figure reflecting wider context	454dpa

129. As explained above, those figures are arrived at in part out of pragmatism. However they are also based on evidence of needs and functional relationships; they have not simply been arrived at via brokering availability of sites relative to unmet needs from elsewhere. They may therefore fairly be described as housing needs that it is appropriate for NWBC to seek to accommodate.

130. However 454dpa multiplied by the 22 year plan period amounts to 9,988 dwellings. That is some 390 dwellings higher than the figure given in policy LP6 of the Plan as submitted (9,598, expressed as simple average over 22 years being around 436dpa). The Council has taken that approach as the plan period of various surrounding local authorities' development plans runs at present only to 2031. For three reasons, however, that does not undermine the appropriateness of the figure of 9,598.

131. Firstly, given the differences between NWBC and SADC, a fair proportion of the 'uplift for economic projections' in the table above may also be attributed to contributing towards unmet housing needs likely to arise across a wider geography.⁷⁷ Secondly an annual requirement of 436dpa is almost double that generated by LHN as a minimum. Thirdly, as noted

⁷⁷ If, for example, a third of that figure were to be 'counted' as such, that would amount to 345 dwellings over a 22 year period. The figure of 9,988 subtract 345 would return 9,643 which is not significantly different from the housing figure in policy LP6 of the Plan as submitted.

previously, the Plan will need to be reviewed successively in time. Consequently, an overall housing requirement of 9,598 is positively prepared and justified. However for effectiveness the various components of the housing requirement need to be articulated clearly (as would be achieved via incorporating **MM34** and **MM35**).

Soundness of policy LP6, 'Amount of Development'

132. As submitted, policy LP6 states that the Plan seeks to enable 'a minimum' of 5,808 dwellings by 2033 and around 100 hectares of employment land. It also sets out how there is an 'aspiration' to deliver a further 3,790 dwellings. I understand that the Council's rationale for that approach was to seek to deliver greater than 5,808 dwellings, but not to be bound to do so. However, accorded its ordinary meaning, an aspiration may legitimately not be met without consequence. Accordingly the phrasing of policy LP6 in that respect is insufficiently clear in terms of guiding decision-taking. In that context, and for four principal reasons, the overarching housing figure of 9,598 should be expressed as a minimum (thereafter informing a housing trajectory, the basis upon which a five year housing land supply requirement is established).
133. Firstly the approach in the Plan assumes that growth pressures within the wider CWHMA and GBHMA will abate after 2031. That is unlikely. Secondly, as reasoned above, an element of the figure of 9,598 homes relates both to forecast economic growth and to needs arising from elsewhere. Thirdly, NPPF2012 paragraph 14 indicates that plans should be sufficiently flexible to adapt to 'rapid change'; it may be that economic growth exceeds the 'informed view' upon which housing figures are premised, for example if certain SEP projects come on stream. Fourthly, as considered subsequently, the delivery of housing above the figure of 9,598 may, in particular, benefit provision of affordable housing and of infrastructure.
134. As such policy LP6 would be rendered consistent with national policy via the incorporation of **MM39**, which is therefore necessary for that reason.⁷⁸ Policy LP6 also contains the statement that 'the actual amount of development delivered over the Plan period will be governed by the provision of infrastructure to ensure developments are sustainable'. That, in my view, is an explanatory rather than directive statement. It logically cuts both ways rather than indicating that delivery will be limited by the availability of supporting infrastructure; timely infrastructure provision is a central component of the economic dimension of sustainability.
135. It is legitimate to seek a balance between homes and jobs in an area. I have noted above how an imbalance in that respect has persisted in the Borough for some time. NPPF2012 paragraph 34 explains how plans should seek to locate developments that generate significant vehicular movements 'where the need to travel will be minimised...'. However housing and employment provision rarely move in lockstep; individual employment schemes will often entail the creation of multiple job opportunities in one batch rather than the more incremental provision of housing. Moreover, as

⁷⁸ Subject to which **MM46** would also be required in respect of supporting justification.

NPPF2012 paragraph 19 sets out, the Government is committed to ensuring that the planning system does 'everything it can' to support sustainable economic growth. Consequently policy LP6 should similarly be phrased as a minimum in respect of employment land provision (as would again be achieved via incorporating **MM39**).

136. On matter 2, on account of the foregoing reasoning and subject to the MMs referenced above, I conclude that the Plan represents a positively prepared strategy for meeting objectively assessed housing needs.

Matter 3, is the Local Plan positively prepared and consistent with national policy in respect of meeting the differing accommodation needs of all members of the community?

Affordable housing

137. Local planning authorities should seek to meet full objectively assessed needs for market and affordable housing (insofar as consistent with the NPPF2012 as a whole). Similarly, paragraph 159 of the NPPF2012 sets out how authorities should seek to address identified needs for 'all types' of housing, reflecting the different needs of different members of the community. The PPG explained that an increase in total provision 'should be considered where it could help deliver the required number of affordable homes'.⁷⁹

138. Policy LP9 of the Plan as submitted addresses various aspects of affordable housing provision. Explanatory paragraph 8.2 identifies that, based on 2013 data, affordable housing needs stood at around 112dpa. Even at the point the Plan was submitted for examination, that figure was out-of-date. Reflecting increased housing provision since 2013, the SHMA instead indicated affordable housing needs of 92dpa.⁸⁰ The figure of 92dpa was, however, pegged against the approach in policy LP6 of the Plan as submitted, i.e. seeking to meet an overarching housing requirement of 5,808 dwellings. I note that 92dpa represents some 35% of 5,808 expressed on a simple annual basis. That is the mid-point of the 30% or 40% proportion of affordable housing sought from schemes via policy LP9 (depending on whether brownfield or greenfield schemes are advanced respectively).

139. However I have reasoned above that the approach in policy LP6 as submitted, insofar as an overarching housing requirement of 5,808 is concerned, needs amendment. The minimum requirement should be 9,598 dwellings. Accordingly maintaining an affordable requirement of 92dpa would be unsound. I therefore asked NWBC to refresh evidence of affordable housing needs at examination. The Council subsequently commissioned an Affordable Housing Needs Update document ('AHNU').⁸¹ The AHNU identified that affordable housing needs were likely to be around

⁷⁹ Reference ID: 2a-029-20140306.

⁸⁰ [CD8/10, Local Plan paragraph 8.10, INSP10].

⁸¹ [NWBC24B, Annex B].

47% of the expected level of total housing delivery, or some 267dpa based on a simple average over the Plan period.

140. A plan must be informed by considerations of viability, with reference to NPPF2012 paragraph 173. I therefore directed NWBC to refresh supporting viability evidence. The updated economic viability assessment ('UEVA') provides a critical review of earlier viability assessments.⁸² The UEVA assesses different schemes relative to prevailing land values and local market conditions, leading to a residual land valuation undertaken relative to different levels of affordable housing provision. It shows that schemes tend to become unviable if 47% affordable housing were to be sought (and indeed certain schemes become unviable at lower thresholds). That is notwithstanding any material uncertainty regarding Covid-19. I will return to viability and delivery subsequently. Nevertheless, insofar as is relevant to affordable housing, the UEVA provides appropriate and proportionate justification for the 30% to 40% thresholds set via policy LP9 referenced in paragraph 138 of this report.
141. However, in light of the foregoing, and in order to represent a positively prepared strategy, the Plan should set 30% affordable housing provision as a minimum expectation. That would be achieved via the incorporation of **MM50**, which would articulate that position in respect of Plan policy LP9. Similarly recognising that enabling development above 9,598 homes may assist in meeting affordable housing needs, in line with the approach in the PPG above,⁸³ should be addressed in LP1 (as would be achieved via inclusion of **MM21**). **MM49** is also necessary to ensure that the approach in policy LP9 to securing affordable housing provision on or off site accords with the approach in NPPF2012 paragraph 50, namely a preference for on-site provision unless otherwise justified.
142. The evidence supporting the Plan draws a distinction between 'gross' and 'net' affordable housing provision. The differential between the two derives principally from any losses to existing affordable housing stock (whether by virtue of purchases under the provisions of the Right to Buy Act 1985 as amended, site redevelopment, or alterations to Registered Social Landlords' holdings). In that context, in my view, the Plan should recognise that not all affordable housing must be maintained as such in perpetuity (as is set out in Plan paragraph 8.16). That would be achieved via the incorporation of **MM48**.

Affordable housing types

143. Plan policy LP9 sets out a target tenure mix in respect of affordable housing provision of 85% affordable rented and 15% intermediate housing (as defined in NPPF2012, Annex B). Despite updates to the overall quantum of housing and affordable housing needed in the Borough, that tenure split remains broadly aligned with evidence of needs.⁸⁴ However the definition of affordable housing differs between the NPPF2012 and NPPF2019. Practically,

⁸² [NWBC26D, NWBC13, NWBC14].

⁸³ Reference ID: 2a-029-20140306.

⁸⁴ [CD8/10, NWBC24B, Annex B].

the Plan must bridge the gap between the two. NPPF2019 Annex 2 maintains a distinction between 'affordable housing for rent' and other forms of affordable housing. However a broader range of types of housing now fall within the planning definition of affordable housing compared to 'intermediate housing', namely starter homes, discounted market sales housing and other affordable routes to home ownership.

144. Starter homes are variously referenced in the Local Plan as submitted. Plan paragraph 8.17 sets out how a minimum of 20% of affordable housing provision should be via starter homes. However associated Regulations under the Housing and Planning Act 2016 in that regard have not been made. Former planning guidance on starter homes was also withdrawn on 7 February 2020. In that context, although starter homes may legitimately provide an element of affordable housing provision, an expectation of 20% in that respect should not be included. **MM47** would remove that reference.
145. I note that the Government's policy on First Homes came into effect on 28 June 2021, pursuant to the Written Ministerial Statement of 24 May 2021. However that Ministerial Statement explains how plans submitted for examination before 28 June 2021 are not required to reflect First Homes policy requirements, as is the case here. In my view review provisions under Plan paragraph 1.8 and by virtue of statute will provide appropriate opportunity for consideration of First Homes in time.
146. NPPF2019 paragraph 63 sets out how provision of affordable housing should 'not be sought for residential developments that are not major developments...'. Major development, in that context, is defined as development where '10 or more homes will be provided...'. As submitted, however the trigger in Plan policy LP9 draws from the now superseded Written Ministerial Statement of 28 November 2014 in setting out that affordable housing provision will only be sought on scheme of 'more than 10 dwellings'. NWBC clarified at examination that it was not their intention to diverge from national policy in that respect. To that end the 'trigger' for affordable housing provision should, for consistency with national policy, be aligned with the approach in NPPF2019 paragraph 63. That would be addressed via **MM50**.
147. With certain exemptions, NPPF2019 paragraph 64 furthermore sets the general expectation that where major development involving the provision of housing is proposed, at least 10% of homes should be available for affordable home ownership. With that in mind a conflict may arise between the affordable housing mix sought via Plan policy LP9 and the expectations of NPPF2019 paragraph 64, i.e. where providing 10% of homes for affordable home ownership would undermine the ability to provide 85% of affordable provision as affordable housing for rent.
148. Nevertheless, as set out above, the evidence before me points to an overwhelming predominance of need in relation to affordable housing for rent. NPPF2019 paragraph 64, moreover, contains a caveat that 10% affordable home ownership provision should not be sought where this would 'significantly prejudice the ability to meet the identified affordable housing

needs of specific groups'. As such, subject to ensuring appropriate flexibility in policy LP9 such that the affordable housing mix sought is indicative, as would be achieved via incorporation of **MM49** and **MM50**, in this respect the Plan is suitably aligned with the approach in the NPPF2019.

Specific types of accommodation

149. As submitted, policy LP7 requires that 5% of plots in schemes of 100 or more dwellings should be made available for those seeking to build their own homes. Government policy is highly supportive of provision of self and custom building housing. However there is no robust evidence in support of a 5% threshold here. In my experience many self-build opportunities typically arise from small or medium sized sites. I also note that, as of November 2019, only 25 individuals were registered with the Council in terms of seeking to build their own homes within the Borough. In that context suitable provision for those seeking to build their own homes consistent with national policy would be achieved via the incorporation of **MM41** and **MM42** (the former referring to accommodating relevant demand and the latter to relevant evidence in informing that approach).

150. As reflected earlier in this report NWBC has actively engaged with a number of organisations representing those with differing accommodation needs.⁸⁵ Demographic evidence points to pressing needs for housing provision to meet the particular needs of certain members of the community, notably in terms of sheltered accommodation. Extrapolating trends in respect of specific types of housing provision is challenging; such provision is often brought forward as part of a dedicated scheme. However, in a similar manner as self or custom build, as submitted policy LP7 sets unjustified thresholds for the provision of specialist accommodation. In that context, and to achieve consistency with the approach in NPPF2012 paragraph 50, **MM41** and **MM42** should be incorporated. **MM42** would additionally provide clarity as to the purpose of, and justification for, specialist housing.

Provision for travellers

151. Planning Policy for Traveller Sites published in 2015 ('PPTS2015') guides as to how appropriate provision should be made in line with the Government's overarching aim of ensuring fair and equal treatment for travellers in a way that facilitates their traditional and nomadic way of life while respecting the interests of the settled community. For the purposes of PPTS2015 'travellers' means both 'gypsies and travellers' and 'travelling showpeople'.⁸⁶ PPTS2015, as opposed to its predecessor published in 2012 ('PPTS2012') should be referenced in the Plan via **MM38**.

152. However notwithstanding changing circumstances since 2014,⁸⁷ as submitted the Plan's evidence, a Gypsy and Traveller Accommodation Assessment produced in 2013 ('GTAA2013'),⁸⁸ and pitch requirements in

⁸⁵ [NWBC19, section 3].

⁸⁶ Romany Gypsies and Irish Travellers being ethnic minorities, thereby sharing a relevant protected characteristic under section 4 of the Equality Act 2010 as amended.

⁸⁷ Including amendments to section 8 of the Housing Act 1985.

⁸⁸ [CD8/14].

policy LP6 over the period 2011 to 2028 are the same as in respect of the Core Strategy. Local Plan paragraph 7.50 refers to the version of Planning Policy for Traveller sites published in 2012 ('PPTS2012'), however, setting aside ethnicity, those who have ceased travelling permanently no longer fall within the planning definition of travellers.

153. In that context I requested that the Council provide clarification on the approach taken to traveller provision (the 'traveller note').⁸⁹ The traveller note explains how provision of transit sites and permanent pitches in the Borough has exceeded GTA2013 forecasts and Core Strategy requirements.⁹⁰ On that basis, and with reference to PPTS2015 paragraph 11, NWBC argued that the criteria-based approach to provision of new sites articulated in Plan policy LP10 is sound.
154. Setting aside that the GTAA2013 pre-dates the submission of the Local Plan for examination by quite some time, two recent appeals related to traveller provision were brought to my attention over the course of the examination (near Flavel Farm, Austrey and at Highfield Lane, Corley Ash). The Inspector who assessed the Flavel Farm scheme explained how provision of 12 transit sites, in excess of previously identified need for five, was indicative of the GTAA2013 having under-represented traveller needs.⁹¹ Similarly the Inspector who determined the Highfield Lane appeal indicated that, since 2011, permission has been granted for 17 private residential pitches relative to the Core Strategy requirement for 9.⁹² Those decisions indicate that circumstances have moved on significantly since 2013.
155. A new Gypsy and Traveller Accommodation Assessment, jointly commissioned by NWBC along with Lichfield District Council and TBC, was published in November 2019 (the 'GTAA2019').⁹³ As with the GTAA2013, the GTAA2019 identified that there are no travelling showpersons' yards within the Borough and therefore, not unreasonably, identified the absence of projected need in that respect. However, the GTAA2019, notwithstanding the differential planning definition of travellers between PPTS2012 and PPTS2015, reinforces my reasoning in paragraph 154 above.
156. The GTAA2019 indicates that, between 2019 and 2040, 29 pitches will be necessary to fulfil anticipated traveller needs within the Borough. Expressed as a simple average that is 1.38 pitches annually, close to double that indicated via the GTAA2013. If the findings of the GTAA2019 are limited to the period 2019 to 2033, that indicates that the Plan should make forward provision on that basis for around 19 pitches. To represent a positively prepared strategy, that should be reflected via incorporating **MM39**.⁹⁴

⁸⁹ [AD40].

⁹⁰ By virtue of the provision of 12 transit pitches at Oldbury Road and either provision or granting of permission for 12 permanent pitches as detailed in Appendix C to the traveller note.

⁹¹ Ref. APP/R3705/W/18/3199987.

⁹² Ref. APP/R3705/W/18/3199149.

⁹³ [AD56].

⁹⁴ Which I have altered compared to the version in [NWBC20G] to accurately reflect the timescale of the GTAA2019, as acknowledged by the Council [NWBC27, Appendix 2].

157. If instead pitch provision of all forms were to cover the 22 year plan period, the relevant requirement would logically stand at around 26 (or 1.18 expressed as a simple annual average).⁹⁵ However in my view, given that the GTAA2019 inevitably takes account of existing traveller provision within the Borough that has arisen since 2011, it is nevertheless acceptable to express that element of policy LP6 as from 2019 onwards.
158. As reasoned above, significant provision of traveller sites has already been made in the Borough. The traveller note pre-dates the appeal at Highfield Lane where it is indicated that 17 private residential pitches have been permitted since 2011. That decision, in itself, granted permission for a further two pitches. I acknowledge that a handful of permissions have not yet been implemented.⁹⁶ However 19 pitches authorised since 2011 in itself exceeds a five year land supply from 2021 onwards.⁹⁷
159. Accordingly a criteria-based policy, a commitment to produce a traveller site allocation development plan document, along with monitoring indicators and review provisions, provides an appropriate and proportionate basis for meeting objectively assessed travellers' needs. Nevertheless, as in respect of other forms of development, the requirement for 19 pitches should be expressed as a minimum in policy LP6 for three principal reasons.
160. Firstly the GTAA2019 projects needs for 'undetermined' (or 'un-surveyed') households meeting the definition of travellers based on a lower proportion than those that were surveyed; evidence over time may indicate that a differential approach is more accurate. Secondly indications in the GTAA2019 as to who is likely to fall within the current planning definition of travellers is subject to a certain margin of error. Thirdly, travellers' needs are inherently difficult to identify and quantify. Accordingly, for effectiveness appropriate opportunity should be taken to provide additional plots in suitable locations relative to needs, particularly if monitoring indicators or subsequent events indicate changing needs in practice. That would be achieved via the incorporation of **MM39**.
161. Plan policy LP10 sets various criteria for determining the acceptability of a proposed traveller sites. In two principal respects, however, policy LP10 is inconsistent with the guidance in PPTS2015. Considerations of whether or not a proposal in a rural or semi-rural setting would 'dominate' the nearest settled community and be suitably located are matters of judgement on a case-by-case basis. Incorporation of **MM51**, **MM52** and **MM53** would render LP10 consistent with national policy in those respects along with setting out future plan making process related to travellers' needs.
162. On matter 3, on account of the foregoing reasoning and subject to the MMs referenced above, I conclude that the Plan represents a positively prepared

⁹⁵ The Core Strategy requirements annualised over the eight year period 2011 to 2019 added to the GTAA requirements annualised between 2019 and 2033 (i.e. $(0.78*8)+(1.38*14)$).

⁹⁶ [AD56, page 52].

⁹⁷ Providing adequate provision to 2026 if calculated on the basis of a simple 22 year average of 1.18 pitches annually.

strategy consistent with national policy in respect of meeting the differing accommodation needs of all members of the community.

Matter 4, does the Plan provide appropriate support for economic growth consistent with national policy?

163. NPPF2012 paragraph 17 sets how planning should proactively drive sustainable economic development. I note that NPPF2019 paragraph 82 contains greater detail as to how planning policies and decisions should 'recognise and address the specific locational requirements of different sectors'. In a similar manner to establishing housing needs, the PPG set out employment needs should be assessed on the relevant 'functional economic market area', given that such needs are rarely constrained by local authority administrative boundaries.⁹⁸
164. Notwithstanding the Regulation 19 representation of the CWLEP referenced in paragraph 25 above, the Plan is clearly founded on an approach which recognises the Borough's connectivity and functional relationship with various economic geographies.⁹⁹ Reflecting the existing jobs density ratio in the Borough and based on trends since 2014, the ELR forecasts employment growth within the Borough to amount to around 10,690 new jobs by 2031.¹⁰⁰
165. That is translated into employment land requirements via industry-standard methodologies,¹⁰¹ equating to around 100 hectares of employment land forecasting to 2033. Expressed as a simple average over the 22 year plan period, 100 hectares amounts to around 4.5ha annually. That is a substantial uplift from the 60ha requirement in Core Strategy policy NW9 (around 3.3ha expressed as a simple average over the 18 year Core Strategy period). The Plan has therefore clearly 'grasped the nettle' when it comes to positively planning for growth.¹⁰²
166. The bulk of the 100ha figure comprises 70ha recommended via an initial employment land review.¹⁰³ That has been subject to two updates. The first looked over the period 2011-2031, arriving at a figure of 91ha in reflection of the Plan's potential contribution towards delivering 3,790 homes towards Birmingham's likely future unmet needs.¹⁰⁴ The second update, the ELR, identified a figure of around 100ha over the full plan period of 2011-2033.¹⁰⁵ As reasoned in paragraph 35 of this report, a requirement of 100ha takes account of some wider strategic growth. Consistent with my reasoning in respect of housing, it is reasonable to view a distinct commitment by NWBC to provide 14ha of employment land towards meeting TBC's needs as subsumed within that overall figure (given that it represents one of fourteen authorities within the GBHMA).

⁹⁸ Reference ID: 2a-007-20150320.

⁹⁹ [CD8/6, paragraph 2.16].

¹⁰⁰ [CD8/8]

¹⁰¹ Currently referenced in PPG Reference ID: 2a-030-20190220, notwithstanding that different schemes inherently involve different job densities.

¹⁰² As phrased by the Inspector who determined appeal Ref. APP/R3705/W/15/3136495.

¹⁰³ [CD8/6], over the period 2006 to 2028 (as a simple average, 3.18ha annually).

¹⁰⁴ [CD8/7].

¹⁰⁵ [CD8/8], a simple average of 4.55ha annually.

167. Based on 2011 census data 31,418 residents in the Borough are in employment in North Warwickshire, whereas 39,768 individuals work in the Borough. Residents of North Warwickshire therefore occupy only around 0.79 of all jobs in the Borough. That represents a high level of in-commuting, the highest of any CWHMA authority.¹⁰⁶
168. Significantly, however, evidence supporting the Plan's employment land requirement instead uses a one-to-one ratio to calculate future needs. That returns a higher figure than would be generated were the ratio of 0.79 above applied. Consequently the level of employment land provision that the Plan seeks to enable would result in a level of jobs growth in the Borough approaching double that which is forecast to occur across the CWHMA as a whole and nationally. That is significant and positive.
169. A range of studies were advanced during the course of the examination which aim to support or to encourage provision of significant additional economic growth in the West Midlands. However higher levels of employment growth are premised on various scenarios occurring and projects coming forward. In my view, subject to the incorporation of **MM21** and **MM39**, the Local Plan would provide reasonable flexibility for provision above 100ha of employment land if such scenarios and projects were to become concrete.
170. It is legitimate to seek a reasonable balance between homes and jobs in an area.¹⁰⁷ However some representors argued that an alternative approach should have been taken, in summary that past delivery of employment land in the Borough should simply be projected forward. Table 8 of the Plan as submitted sets out that employment land completions between 2011 and 2016 stood at 3.2 hectares, 'extant planning permissions/ allocations' at 76.58ha, with allocations E1, E2, E3 and E4 amounting collectively to around 57.2ha of future provision.
171. However those figures are partial. They do not account for employment provision at Hams Hall, Birch Coppice, or at the Jaguar Land Rover ('JLR') storage facility at the former Baddesley Colliery. As set out in paragraph 20 of this report, Hams Hall and Birch Coppice originated as Regional Logistics Sites via the WMRSS. Local Plan paragraph 14.12 explains that those two sites combined have provided approximately 142.6 hectares of employment land before 2016. The JLR site is also stated to represent some 36.3ha. If those three facilities are additionally factored in to a 'linear projection' of past completions, a figure of some 410ha of employment land would be suggested to 2028.¹⁰⁸ Some indicated that projection should be even greater.
172. However 410ha would represent the majority of the employment land forecast to be needed across the CWHMA to 2031. Expressed as an annual

¹⁰⁶ [CD8/10].

¹⁰⁷ Noting that the WMCA's Draft Spatial Investment and Delivery Plan of 21 February 2019 references the 'critical relationship' between the supply of new homes, job creation and business growth.

¹⁰⁸ [CD8/6].

average it would be broadly equivalent to the supply that the BDP seeks to achieve via policy TP17. In my view a 'linear projection' of past growth to derive future requirements is clearly unrealistic. Adopting that approach would also undermine any real ability of the Plan to achieve balanced growth. Consequently, projecting employment growth at 0.4% is rational as that provides for a reasonable 'discount' for the implications of Hams Hall and Birch Coppice in terms of likely future growth.

173. Given that many companies operate across broad geographies, there is a certain amount of semantics in categorising employment as either local, regional, national or international. However Birch Coppice and Hams Hall were consciously established to fulfil a regional requirement. Indeed establishing 'needs' for large scale employment provision serving national and international operations is well-nigh unquantifiable, as is establishing an appropriate functional economic area in that context.
174. Nevertheless the Plan should clearly set out what has occurred in terms of employment land in the Borough to enable effective monitoring of trends over time. Table 8 in the Plan should therefore be updated to reflect all employment completions, permissions and allocations. That would be achieved via **MM90**.¹⁰⁹ However the 100ha requirement in policy LP6, consistent with its evidential justification, relates to land which is not at Birch Coppice or Hams Hall (given the particular circumstances related to their establishment). Again, subject to incorporation of **MM21** and **MM39**, the Plan would nevertheless provide suitable support for appropriate intensification or expansion of those facilities.
175. In that context an update to Plan table 8 was discussed in detail during the hearings, with the Council and certain representors venturing different figures in that context.¹¹⁰ The difference between those perspectives is relatively minor; the Council indicating at that juncture that employment land completions between 2011/12 and 2018/19 should be seen as 142 hectares, certain representors indicating that figure should be 154.58 hectares. Those figures principally diverge in respect of the implementation of permissions related to Birch Coppice, and whether development underway at that juncture should instead be categorised as part of future supply or not.¹¹¹ Nevertheless, returning my reasoning in paragraph 171, and accounting for the JLR facility at Baddesley Colliery, completions, permissions and allocations setting aside Birch Coppice and Hams Hall would comfortably exceed an overall requirement of 100 hectares.

Employment sectors

176. Whilst 90% of business registrations in the Borough are for firms employing 10 or fewer individuals, as set out in paragraph 117 of this report the economy of the Borough is distinctly skewed towards transportation and

¹⁰⁹ Consistent with the Council's update provided during the third set of hearings.

¹¹⁰ [AD52, AD52B].

¹¹¹ During the third set of hearings, however, NWBC acknowledged that, accurately reflecting the setting of Coleshill Hall Hospital and implications of HS2, that it should be ascribed a 'net' site area of around 3 hectares.

storage. Those sectors are over-represented around fourfold relative to the West Midlands and nationally.

177. Nevertheless, various studies were referenced during the examination which point to the paucity of readily available land for large scale employment provision, particularly in respect of storage and distribution. Of particular note is the WMSESS. WMSESS paragraph 4.71 explains that 'demand for large-scale industrial space in the West Midlands is most intense along an 'M42 belt'...' shown on the map overleaf as Area A [Figure 4.10]'.
178. A significant proportion of North Warwickshire falls within WMSESS 'Area A'. Table 4.8 of the WMSESS explains how, at that juncture, land supply stood at around 3.7 years' worth relative to demand (albeit that the WMSESS also indicates that there is a high level of demand for large-scale facilities across the West Midlands broadly). Other studies corroborate the paucity of storage and distribution facilities at a strategic level.¹¹² The examination of the Core Strategy in 2014 grappled with similar issues. Whilst I accept circumstances have moved on, there remains no clear evidence as to what level of development should necessarily be delivered in the Borough as opposed to elsewhere.
179. Nonetheless by consequence, and for consistency with NPPF2012 paragraph 17 and paragraph 82, the Plan needs to address this issue. That would be achieved via the incorporation of **MM40** and **MM120**. **MM40** would provide a clear basis for decision-taking where there is evidence of immediate needs for employment land within WMSESS Area A consistent with NPPF2012 paragraph 145. In my view it would also not be advantageous to delay the Plan in the expectation of greater clarity emerging in time. **MM120** would include a monitoring indicator of the types of employment land provision coming forward, thereby allowing for robust assessment of trends over time in respect of different employment sectors.
180. There was extensive discussion of potential variants to **MM40** during the examination hearings. In my view **MM40** strikes an appropriate balance between according weight to provision of employment growth whilst not undermining the value accorded to a plan-led system in the NPPF2012. It must be read in conjunction with other Local Plan policies rather than automatically taking precedence over them (given that Area A encompasses Green Belt land and also land identified as 'Meaningful' or 'Strategic' Gap via Plan policy LP5 as addressed subsequently in this report).

Motorway service areas ('MSAs')

181. NPPF2012 paragraph 31 sets out how local authorities should develop strategies for the provision of viable infrastructure in various respects, including roadside facilities. Department for Transport Circular 02/2013 recommends that the maximum separation distance between MSAs should be no greater than 28 miles. Consistent with the sectoral predominance of logistics here, lorry parking provision is at a premium.

¹¹² [AD26, page 48].

182. The Tamworth Services operated by Moto Hospitality Ltd. (the 'Moto MSA') falls next to M42 junction 10, an intensively used element of the highway network, at the administrative boundaries of NWBC and TBC. The safeguarded route of HS2 runs through the Moto MSA site. In that context I am told that, were the Moto MSA to cease operating by consequence of HS2, the distance between the nearest MSAs along the M42 would be about 46 miles (thereby resulting in both inconvenience to motorists and reducing lorry parking capacity locally).¹¹³
183. However, that the Plan makes no direct provision for replacement of the Moto MSA does not render it unsound. Firstly, it is as yet insufficiently clear as to how precisely the implementation of HS2 will affect the operation of the Moto MSA; mapping associated with the implementation of phase 2b indicates that the line of HS2 will affect only part of the site and may be tunnelled. Secondly, aligned with my reasoning in paragraph 180 of this report, a replacement location for the Moto MSA need not necessarily fall in North Warwickshire. In that context I note that Highways England made representations at examination indicating that, as of March 2019, there were two concurrent applications for MSAs off the M42 with SMBC for determination.
184. Thirdly it is the role of a local plan to set out an appropriate, proportionate and justified strategy to guide decision-taking rather than to make specific provision for each and every eventuality or scheme that may arise. Subject to incorporating **MM40** the Plan would fulfil that function in respect of employment land provision, or a certain type thereof. Nevertheless, given the sectoral predominance of logistics and associated lorry parking pressures, weight should be given to schemes that make associated provision. Consistency with national policy in that respect would be achieved via the incorporation of **MM83**.

Economic diversity and flexibility

185. Given that the economy of the Borough is distinctly orientated towards transportation, logistics and storage, it is reasonable for the Plan to promote economic diversification. However, for consistency with NPPF2012 paragraph 28, on account of the existence of a number of established enterprises that may not realistically be described as 'small scale', policy LP11 should be amended (as would be achieved via **MM55**, which instead uses the term 'established/ lawful'). Suitable flexibility to vary uses within existing industrial estates without entailing undue effects should be also included via **MM15** and **MM56** for consistency with NPPF2012 paragraph 21.
186. Plan policy LP13 sets out that 'any adverse' impact in terms of highways is unacceptable resulting from farm diversification; a more stringent test than in NPPF2012 paragraph 32. Similarly, given the location of many farms and the rural character to much of the Borough, policy LP13 unjustifiably sought to limit support for certain schemes where a site has direct access to the trunk or rural distributor road network with reference to NPPF2012

¹¹³ [PS.M7.09], noting appeal Ref APP/F4410/W/18/3197290 concerning an MSA elsewhere.

paragraph 28. Consistency with national policy in those respects, along with appropriate flexibility, would be achieved via **MM57**.

Town centres, services and facilities

187. NPPF2012 paragraph 23 sets out how local planning authorities should define the extent of town centres and 'set policies that make clear which uses will be permitted in such locations'. Town centres are primarily derived from the extent of established primary shopping frontages.¹¹⁴ Given the modest scale of settlements in the Borough, and noting the broader terms of NPPF2019 paragraph 85. b) relative to NPPF2012 paragraph 23, that is a proportionate approach. In summary, as submitted the Plan seeks to support the vitality of town centres by preventing unacceptable loss of retail provision or a disproportionate concentration of certain uses from arising.
188. However the Plan was formulated before amendments brought into force on 1 September 2020 to the Use Classes Order ('UCO').¹¹⁵ The 2020 Regulations introduced a new 'Class E' to the UCO, which subsumes former use classes A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes) and B1 (business). Via Order brought into force on 21 April 2021, under certain circumstances and subject to certain conditions, the change of use between Class E to Class C3 (dwellinghouses) does not need specific planning permission.¹¹⁶ In that regard the Plan needs to address current circumstances in order to provide a robust basis for decision taking in line with NPPF2012 paragraph 154, as would principally be achieved via **MM54**, **MM65** and **MM77** (all of which bring UCO classifications up-to-date).
189. As modified in that manner, in my view the Plan's approach to town centres would be both consistent with NPPF2012 paragraph 23 and current legislative provisions. Changes of use enabled via the 2021 Order apply only in the eventuality that premises have been vacant for a continuous period of at least three months immediately prior to an application for prior approval for change of use to C3. Such considerations would legitimately be evidence as to whether or not there is a 'reasonable prospect' of an established use being retained under Plan policy LP21. Similarly a disproportionate concentration of uses other than Class E may theoretically undermine the vitality of town centres (by virtue of limiting diversity, for example).
190. However, as submitted, policies LP21, LP22 and LP23, have various shortcomings. Firstly the distinction between 'town centres' and 'neighbourhood centres' in policy LP21 is unclear, and may suggest a differential approach should be taken in differently sized settlements. Secondly, in the absence of guidance as to what factors may be considered in determining whether a 'disproportionate concentration' of certain uses would arise, those policies fail to provide a clear basis for decision-taking. Thirdly, those policies were not consistent with one another: policy LP21, for

¹¹⁴ Noting the distinction in respect of Coleshill between examination documents [CD0/1] and [CD1/1], where the latter is a more accurate representation and should therefore be reflected pursuant to **MM119**.

¹¹⁵ To the Town and Country Planning (Use Classes) Order 1987 as amended via the Town and Country Planning (Use Classes) (Amendment) Regulations 2020.

¹¹⁶ The Town and Country Planning (General Permitted Development etc.)(England)(Amendment) Order 2021.

example, sets different criteria to policy LP23 in terms of how the loss or provision of services would be managed.

191. Those shortcomings would be rectified via incorporating **MM65**, subject to which the Plan would be effective in respect of its approach to managing development in town centres. In my view **MM65** would provide an appropriate set of criteria for determining whether or not the concentration of certain uses is detrimental to viability and vitality, providing a clear indication to developers and the Council as to the evidence required in that regard (rather than setting an automatic presumption that certain uses would be detrimental). **MM64** is additionally necessary to delete the reference to the intention to produce a further site allocations plan in respect of town centres, as that is no longer proposed.
192. On matter 4, on account of the foregoing reasoning and subject to the MMs referenced above, I conclude that the Plan provides appropriate support for economic growth consistent with national policy.

Matter 5, is the spatial distribution of development and allocation of sites is justified and consistent with the Plan's objectives?

193. As reasoned above, the Plan has been informed by SA considering both alternatives to the level of growth that the Plan seeks to enable, and also to the distribution of development around the Borough. Equally individual sites have been assessed relative to others leading to the site allocations proposed via the Plan.¹¹⁷ I note that the SHLAA considered 141 sites theoretically capable of delivering some 27,533 dwellings (though not all were developable or aligned with the spatial distribution of development pursued through the Plan).¹¹⁸ A similar, albeit less expansive, process was undertaken in respect of employment land.
194. I acknowledge that there are negative effects identified associated with certain sites considered at various stages of the foregoing assessment process. I also accept that certain sites which have scored less favourably than others in certain respects have nevertheless been brought forward, whether by virtue of permissions having been granted or via site allocations.¹¹⁹ Nonetheless the foregoing process has considered potential environmental, social and economic implications of potential sites in a logical and clear manner. It is inevitably challenging to achieve gains in all those respects to equal measure. That said, where proposed allocations have not been subject to the same comparative process of assessment, they should be deleted on the basis of a lack of justification for their inclusion (via **MM87** and **MM88**).
195. Moreover the Plan draws on comparative site assessments undertaken previously in the preparation of a site allocations development plan originally intended as a separate development plan document, but now

¹¹⁷ [CD1/2, appendices 7 and 8].

¹¹⁸ [CD8/17].

¹¹⁹ Noting the representations before me in respect of SHLAA reference PB093 and PB183 in that context.

incorporated into the Local Plan.¹²⁰ Whilst it is inevitable that successive stages of assessments will have legitimately attributed slightly different judgements to the effects of developing different sites (or elements thereof), there is nonetheless a detailed process which has informed the assessment and selection of sites for allocation in the Plan.

196. I also note that the ELR, in assessing employment sites, noted that the Springhill Industrial Estate in Arley has experienced persistently high levels of vacancy.¹²¹ Consideration has therefore evidently been given to potential changes of use of existing sites based on market evidence. In that context, albeit that I accept that employment land is premised primarily on existing sites and the majority of housing would be delivered through larger schemes,¹²² that approach is nevertheless justified. The comparative site assessment process which has informed the selection of sites for allocation is cogent and proportionate for a plan-making stage.

Starting point for assessment

197. Some representors argued that the Plan should instead have started on the basis of a 'blank page', i.e. discounting any path-dependency, in particular the extent of the Green Belt in the Borough. I acknowledge that NPPF2012 paragraph 138 explains how 'when drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account'. However that does not amount to an indication that Green Belt boundaries should necessarily be re-drawn; the NPPF2012 must be read as a whole. For consistency with national policy that relationship needs to be clarified in the Plan, as would be achieved via the incorporation of **MM25** (which would delete phrasing in Plan paragraph 7.13 suggesting Green Belt automatically cedes to growth pressures).

198. Nonetheless, the Green Belt has also been reviewed in conjunction with other authorities and some release is proposed by the Council, as addressed below. In that respect there is a parallel with establishing development needs, where the PPG sets out how there is no necessity for local councils to 'consider purely hypothetical future scenarios'.¹²³ Green Belts are inherently designated for their openness and permanence, and accordingly the Plan has been formulated on a reasonable premise in that regard.

Settlement hierarchy and distribution of development

199. It is inherently challenging to capture precisely the varying and changeable, scale, form and role of different settlements in a settlement hierarchy. Many local residents understandably feel that Polesworth and Dordon have separate identities and should not be considered as one settlement (as they are in in Plan policy LP2). I acknowledge that Polesworth and Dordon originated as separate settlements and are divided by the B5000 and River

¹²⁰ [CD3/1].

¹²¹ [CD8/6, paragraph 6.15].

¹²² Noting the important contribution that small and medium sized sites may make towards meeting development needs as referenced in NPPF2019 paragraph 68.

¹²³ Reference ID: 2a-003-20140306.

Anker, noting that a physical feature defining Atherstone relative to Mancetter is less readily apparent.

200. However I saw that the built form of Polesworth and Dordon extends to the B5000 and River Anker on both sides, and as such there is a limited sense of moving from one settlement to another on the ground. Polesworth with Dordon has also long been treated as a combined settlement in policy terms. Consequently, in my view, it is reasonable for Polesworth with Dordon to be defined as a 'category 1' settlement in Plan policy LP2. Nevertheless recognition should be given to the separate origins, identities and therefore character of Polesworth and Dordon, as addressed subsequently in respect of allocation H7 and **MM99**. NPPF2012, paragraph 17, sets out how planning should 'take account of the different roles and characters of different areas'.
201. There is a clear difference in the magnitude of settlements identified as 'category 1' and 'category 3' in Plan policy LP2, and as such that distinction is justified. Settlements beyond the administrative boundaries of NWBC are often of a greater scale than 'category 3' settlements, notably Tamworth and Nuneaton. Consistent with the assessment of different spatial distributions of development considered via SA work, it is therefore appropriate to accord in-principle support to development adjacent to neighbouring settlements (defined as 'category 2' in policy LP2). However to ensure that development brought forward in respect of category 2 settlements is suitably integrated with its surroundings, **MM24** containing phrasing to that effect should be incorporated.
202. There is a relatively clear step-down in scale and the availability of services and facilities between 'category 3' and 'category 4' settlements.¹²⁴ Broadly that is also true considering 'category 4' settlements relative to those which are not expressly identified in 'category 5' (which encompasses anything other than higher order categories of settlement). On occasion, however, certain settlements which are not expressly identified in policy LP2 score more highly in terms of the USSA assessment than those identified; Middleton, for example, scores more highly in terms of the availability of services and facilities than several 'category 4' settlements.
203. Nevertheless, the settlement hierarchy provides an appropriately justified basis for distributing development in the Borough. In respect of the distinctions between categories 3, 4 and 5 referenced immediately above, I note that there are particular Green Belt sensitivities such that it would be overly-simplistic to elevate their position in the hierarchy (only thereby to introduce an implicit conflict with Green Belt policy).
204. I heard strongly-put arguments from certain representors that additional development should be directed towards Coleshill. As submitted the Plan proposes only three allocations at Coleshill, collectively amounting to around 95 dwellings, compared with far more substantial levels of development at

¹²⁴ With the notable exception of Hurley, which scores 33 in the USSA, relative to the lowest score for a category 4 settlement (Water Orton, with a USSA score of 40).

other 'category 1' settlements. Given Coleshill's proximity to Birmingham, the M42, and Coleshill Parkway station, I acknowledge that locating additional development there as opposed to elsewhere would, in all likelihood, reduce vehicular emissions associated with commuting.

205. However, whilst there is a high proportion of commuting to and from the Borough for employment, not all is towards Birmingham; as set out above North Warwickshire also has a high level of employment opportunities relative to its population. The NPPF2012 must be considered as a whole, and whilst there would likely be some degree of environmental benefit associated with enabling a greater proportion of development at Coleshill relative to elsewhere, there would be also be other consequences.
206. However, for consistency with national policy and also effectiveness, various modifications to LP2 are necessary. Firstly, as submitted LP2 fails to provide a clear basis for decision-taking, in the absence of indicating that development should be aligned proportionately with the settlement hierarchy. Secondly LP2 set an unduly prescriptive approach to supporting only development within settlement boundaries, thereby failing to reflect how development had come forward incrementally in the Borough in pursuit of needs (and also undermining the justification for policy LP8 'Windfall allowance'). Furthermore, in respect of 'category 5' in particular policy LP2 failed to reflect NPPF2012 paragraph 28 and the approach in the PPG indicating that all settlements may play a role in contributing to sustainable development. Those shortcomings would be rectified via the incorporation of **MM24**.¹²⁵
207. On matter 5, on account of the foregoing reasoning and subject to the MMs referenced above, I conclude that the spatial distribution of development, and allocation of sites is justified and consistent with the Plan's objectives.

Matter 6, is the plan's approach to addressing planning and environmental protections justified and consistent with national policy?

Green Belt

208. Policy LP3 of the Plan as submitted is broadly consistent with the importance accorded to Green Belt protection via the NPPF2012. However policy LP3 does not make explicit the relevant tests that would be applied in respect of the Green Belt, namely that inappropriate development should not be approved other than in very special circumstances. Policy LP3 also inaccurately reflects the phrasing of national policy and statute in respect of certain forms of development (notably 'limited infilling' and proposals advanced via the Community Right to Build). Those issues would be remedied, and consistency with national policy achieved, via the incorporation of **MM28**.

¹²⁵ I have amended the wording of MM24 from that in [NWBC20G] to inset the words 'including that which would...' to avoid ambiguity as to whether or not a community may be categorised as 'rural', and to clarify that the approach proposed in respect of 'category 5' land is consistent with approach in national policy.

209. **MM28** would also clarify that 'limited infilling' in villages, consistent with the terms of NPPF2012 paragraph 89, is neither limited solely to the 'Green Belt Infill' boundaries defined for Lea Marston and Middleton, nor to those settlements named in policy LP2. Similarly, for consistency with NPPF2012 paragraph 89 in particular, **MM26** and **MM27** should be incorporated. Those modifications are necessary to enable a judgement to be made as to the acceptability of extensions, alterations and replacement of buildings proposed in the Green Belt on a case-by-case basis with regard to all relevant considerations (rather than imposing a blanket, and thereby crude, volumetric threshold).

Green Belt boundaries

210. The extent of the Green Belt in North Warwickshire is defined via the Core Strategy and mapping associated with it, which draws on the 2006 Local Plan. Green Belt here forms part of a wider area encircling Birmingham and Solihull, and has been subject to various studies.¹²⁶ Other than in respect of site allocations, 'infill boundaries' and land intended to be safeguarded under policy LP4, the Plan otherwise proposes maintaining existing Green Belt boundaries (notwithstanding that certain elements of the Green Belt have been identified as performing less strongly than others in terms of the five purposes of Green Belt set out in NPPF2012, paragraph 80).¹²⁷

211. In a similar manner to studies related to the proposed Strategic Gap to which Plan policy LP5 relates and to landscape character more broadly, I acknowledge that Green Belt studies consider broad areas of land. A more 'granular' approach to the assessment of land within the Green Belt may well have resulted in differential assessments of value. I also note that the SGS looks, at a strategic level, towards potential locations for longer-term growth within the Green Belt encircling Birmingham and Solihull.

212. Nonetheless the essential characteristics of Green Belts are their openness and permanence; a moderate or lower 'scoring' in terms of the contribution of a given area thereof with regard to the purposes in NPPF2012 paragraph 80 does not indicate that such land should be released. Rather, NPPF2012 paragraph 82 sets out that, once established, Green Belt boundaries should only be altered in 'exceptional circumstances'. I will return to that assessment where release is proposed.

213. Nevertheless, insofar as established Green Belt boundaries are proposed to be maintained via the Plan, successive studies have identified parcels of land based on physical features, and assessed their relative contribution towards the five purposes for which Green Belt land is established. They are proportionate evidence at a plan-making stage. They approach the assessment the value of land relative to the five purposes the Green Belt services from a rational, cogent and objective perspective. In that context,

¹²⁶ Including [CD6/9].

¹²⁷ [CD6/9, paragraph 5.7], noting that as former 'Power Station B' at Hams Hall secured planning permission for redevelopment in 2016 (Ref PAP/2016/0399) it is rationally no longer proposed to be illustrated as within the Green Belt [PS.M6.01].

at a strategic level, Green Belt boundaries have therefore been informed by appropriate evidence.

214. I acknowledge that NPPF2012 paragraph 84 sets out how, in drawing up or reviewing Green Belt boundaries, account needs to be taken of promoting sustainable patterns of development. However, as set out above, that does not instruct local planning authorities to release Green Belt land, nor to factor in sustainable patterns of development in establishing objectively the value of different elements of the Green Belt.

215. Justifiably settlements with a relatively coherent built form are 'inset' from the Green Belt (in line with the approach in Core Strategy policy NW3, criterion 2). Equally justifiably, certain smaller settlements with lesser coherence, or greater prominence in the landscape, are 'washed over' by the Green Belt. That, in my view, is a rational distinction with reference to the different forms and relative sensitivity of different areas to change. Following on from Core Strategy NW3, criterion 3, the Plan identifies two 'Green Belt Infill Boundaries' at Marston and Middleton, wherein 'limited infilling' is permissible in principle.

216. A similar approach has not been taken at other settlements in the Green Belt of a comparable size and form, notably Corley and Furnace End. However that does not go to soundness. 'Infill Boundaries' are positively-phrased indicating where such development may be acceptable. They do not expressly prevent limited infilling from occurring in other suitable locations. Nonetheless, for effectiveness and consistency with NPPF2012 paragraph 89, the function of 'Infill Boundaries' needs to be clarified, including that they do not inherently prevent such development elsewhere. That would be achieved via the incorporation of **MM28** as referenced above.

Green Belt site allocations

217. In principle it is rational for NWBC to have considered Green Belt release given the pressures for growth here and the strategic approach to distributing development around the Borough proposed via the Plan as detailed above. For clarity those overarching themes contribute towards the case for Green Belt release rather than, in and of themselves, representing 'exceptional circumstances' referenced in NPPF2012 paragraph 83.

218. As submitted the Plan includes five proposed site allocations nominally within the Green Belt.¹²⁸ However certain allocations had been included in the Plan on the basis of planning permission having been granted, rather than sites having been assessed in a comparable manner to others. Where that is the case those allocations should be deleted as I am not in a position to endorse their inclusion (albeit that it is rational to amend settlement boundaries accounting for circumstances on the ground). As set out in paragraph 194 of this report, that would be achieved via the incorporation of **MM87** and **MM88**. Subject to the incorporation of **MM87** and **MM88**, only three such allocations would remain (H6, H14 and H21). I turn to those in order.

¹²⁸ H4, H5, H6, H14 and H21, noting that some are within settlement boundaries inset from the Green Belt.

219. Allocation H6 'Allotments adjacent to Memorial Park' is within the settlement boundary of Coleshill shown on the policies map as inset from, rather than washed over by, the Green Belt. The settlement boundary for Coleshill has been maintained from the Core Strategy, and as such the site is not subject to Green Belt policies directly. I saw how the site is nestled between the A446, Lanesborough House to the north and residential development along Clinton Road to the south. Given the sense of enclosure here, and subject to appropriate provision for replacement allotments via Plan policy C1, as would be reflected via incorporation of **MM96**, its allocation for 30 homes is justified.
220. Proposed allocation H21 'Former school redevelopment site' relates to Water Orton, a 'Category 3' settlement. That allocation falls principally within the development boundary for Water Orton, albeit it partially transgresses the Green Belt boundary there. H21 represents a small element of land parcel Ref 'WO2' in the 2016 Green Belt Study, which does not score highly in terms of its contribution to the five purposes of the Green Belt.¹²⁹ The topography here is broadly level. I saw how the site, in part previously developed, is largely screened from public view by the form of properties fronting Attleborough Lane. By consequence, subject to an appropriate landscaping buffer along the southern periphery of the site and to a sensitive approach to design, development of the site for around 48 dwellings would likely entail little appreciable effect.¹³⁰ The combination of the overarching themes referred to in paragraph 217 above, along with the limited extent of Green Belt release proposed here and site specific circumstances amount to exceptional circumstances necessary to justify Green Belt release at allocation H21.
221. Proposed allocation H14 'Site at Lindridge Road' is more substantial. That would entail the release of about 6.7 hectares of Green Belt land for approximately 141 dwellings. The irregular western boundary of that site is drawn initially perpendicular to Lindridge Road, before arcing north-eastwards towards the M6. That boundary is coterminous with the extent of NWBC's administrative area in this location, which atypically projects westwards of the A38.
222. H14 falls within 'broad area 9' as identified in the 2016 Green Belt study, which is accurately identified as contributing strongly towards Green Belt purposes as a whole. However allocation H14 is a very small element of broad area 9, the latter extending as far as towards Freasley several miles away to the north-east. Inherent in my reasoning above is that the A38 and M6 clearly physically distinguish the site from the landscape eastwards. By consequence of highway infrastructure, Lindridge Road to the south, and an unnamed track to the west, the site is highly self-contained (both physically, and to a slightly lesser extent, visually).

¹²⁹ [CD6/9], 'WO2' returning a score of 13 out of a potential total of 20.

¹³⁰ Rationally the replaced school, off Plank Lane, is proposed to be shown as within the settlement boundary.

223. Significantly, BCC adopted the Langley Sustainable Urban Extension Supplementary Planning Document on 16 April 2019 (the 'Langley SUE SPD'). The Langley SUE SPD makes provision for the release of 274 hectares from the Green Belt for development, including the provision of around 6,000 homes. 'Plan 2' within the Langley SUE SPD shows that site as extending between the residential fringes of Birmingham and the A38 to the east, from Walmley Ash Road to the south as far as Lindridge Road to the north. Consequently over time the surrounding context to site H14 will become increasingly developed. In that context also allocation H14 would fall within 'category 2' as defined in Plan policy LP2. For effectiveness the implications of the Langley SUE SPD need to be referenced in respect of allocation H14, in particular regarding coherence of design, as would be achieved via the incorporation of **MM104**.
224. On account of the foregoing, exceptional circumstances exist to justify the redrawing of the Green Belt boundary to exclude allocation H14, with reference to pressures for growth, the strategic approach to distributing development in the Borough set via the Plan, and the specific contribution of the site to the purposes for which Green Belts are established relative to its surroundings. Moreover I note that the residential density proposed, some 21dph, would be fractionally lower than that advocated via the Langley SUE SPD, thereby enabling reasonable flexibility for a sensitive approach to density and landscaping to further moderate landscape effects. Drawing together my reasoning above, allocations H6, H14 and H21 are appropriately justified.

Plan policy LP4, 'Safeguarded Land'

225. However, based on all the evidence before me, there is insufficient justification to merit the safeguarding of land to meet longer-term development needs in the Green Belt at Tamworth Road, Kingsbury within the terms of NPPF2012 paragraph 85. Kingsbury is a 'Category 3' settlement, and there is no robust evidence as to whether safeguarding land for future development there would be preferential to any alternatives (for example related to higher order settlements in line with the settlement hierarchy set via Plan policy LP2). Whilst the examination has not assessed whether any alternative sites would be preferable to those proposed, nevertheless there is little distinction between Green Belt sensitivity in respect of land around Kingsbury relative to the surroundings of other 'higher order' settlements such as Coleshill.¹³¹
226. Moreover, as submitted the Plan itself is contradictory as regards the necessity of safeguarding land under NPPF2012 paragraph 85. Local Plan paragraph 14.29 states in respect of Coleshill that 'it is considered necessary to allocate land outside of its current boundaries and remove land from the Green Belt'. However paragraph 14.32 states that there should be no development outside of the current development boundary (i.e. within the Green Belt). I have reasoned above that there is justification for proposed allocations within the Green Belt. However that is not the case in respect of Plan policy LP4, or in respect of the necessity of the Plan making

¹³¹ [CD6/3C, CD6/9] acknowledging that the route of HS2 cuts through the LP4 site.

provision for safeguarded land elsewhere at this juncture. Accordingly policy LP4 should be deleted, as would be achieved via incorporation of **MM30**. By consequence **MM25, MM28, MM29, MM30** and **MM113** are also necessary to render supporting justification consistent.

'Meaningful Gap' (Strategic Gap)

227. At examination the Council proposed renaming Plan policy LP5 'Strategic Gap' rather than 'Meaningful Gap' as in the Plan as submitted, to better reflect its function. That is a matter of terminology rather than of soundness, and a convention I have adopted in this report. In summary policy LP5 seeks to protect from unacceptable encroachment an area of largely natural land between Polesworth with Dordon and neighbouring Tamworth. The 'Strategic Gap' does not fall within the Green Belt, and the Council made no case at examination that it should be incorporated as such. At their closest, along the B5000, the built form of Polesworth with Dordon and Tamworth is separated only by some 850 metres. Broadly, the proposed Strategic Gap tracks either side of the M42 and future route of HS2 (extending between the A5 to the south to the Trent Valley element of the West Coast Main Line to the north).

228. The concept of a Strategic Gap here has a lengthy and contested history.¹³² During the course of the examination an appeal was dismissed for up to 150 homes at land south of Tamworth Road, within the proposed boundary of the Strategic Gap (the '2019 appeal').¹³³ Tamworth is of a different order of scale to Polesworth with Dordon, and, as reasoned by the Inspector who determined the 2019 appeal, its eastwards expansion would not necessarily significantly affect its established identity. That is in contrast to Polesworth with Dordon, a settlement set within a predominantly rural context.

229. I heard how many local residents accord significant value to the rural surroundings to Polesworth with Dordon, and note that a landscape does not have to be formally protected to merit protection within the terms of NPPF2012 paragraph 109. Part of the intrinsic character to Polesworth with Dordon derives from its separation from Tamworth. In that context, and as clarified via another appeal brought to my attention (the '2016 appeal'),¹³⁴ there has been a longstanding approach taken by the Council here to avoid undue coalescence between Polesworth with Dordon and Tamworth.

230. Notwithstanding some degree of protection having been applied in practice since the Warwickshire Structure Plan, I understand that the extent of the Strategic Gap has not been precisely defined. Nevertheless, in principle, it is legitimate for planning to take account of the different roles and character of different areas, and to recognise the intrinsic character and beauty of the countryside.

231. The Inspector who examined the Core Strategy reasoned similarly. However policy LP5 in the Plan as submitted diverges from the approach in Core

¹³² [AD46].

¹³³ Ref. APP/R3705/W/18/3196890.

¹³⁴ Ref. APP/R3705/W/15/3136495.

Strategy policy NW19. Policy LP5 seeks to 'reintroduce' an element of that policy which the Inspector who examined the Core Strategy indicated should be modified, i.e. that within the Strategic Gap there would be a 'presumption against anything other than minor development'. In that context Plan policy LP5 seeks to define the extent of the Strategic Gap and to specify what is, or is not, permissible within it.

232. In justification of policy LP5 the Council commissioned two studies post-dating the Core Strategy, in 2015 and 2018.¹³⁵ The 2015 study, which was subject to consultation, identified 10 potential areas for inclusion within a 'Meaningful Gap'. Those areas were categorised red, amber or green in respect of their contribution to the nature of a gap between settlements. There is some variance in the scale of different areas, nevertheless they are logically defined by clear physical features.
233. The Inspector who determined the 2016 appeal was critical of what he considered to be a lack of clarity as to the categorisation of different areas, and to the primacy of a 'scale rule' approach to establishing value in terms of contribution towards a Strategic Gap.¹³⁶ I accept there are some complexities with the 2015 study. 'Area 4' of the 2015 study was recommended for inclusion within the Strategic Gap, however it now relates to a site allocation H13 for around 1,270 dwellings.
234. Having visited that area and its surroundings, the separation distance in that particular location between Tamworth and Polesworth with Dordon is comparatively generous (with Robey's Lane providing a clear physical demarcation in the landscape). The topography and features in the landscape, including Alvecote Wood, are such that there would be the ability to retain a clear perception of separation between the two settlements there. Moreover the surrounding context to H13 has changed materially since the 2015 study with the grant of permission by TBC for the redevelopment of a former municipal golf course to the west for a mixed used scheme including 1,100 homes.
235. 'Area 7' as identified in the 2015 study was ultimately recommended for inclusion within the Meaningful Gap, albeit that a previous iteration had indicated that it should be excluded. The appeal site related to the 2019 appeal referenced above falls within 'Area 7'. The Inspector who dealt with that appeal indicated that the site had some value in contributing to a sense of separation between Tamworth and Polesworth with Dordon (a position with which I agree having visited that location and its surroundings). His findings were arrived at following the 2018 study related to the Strategic Gap, in respect of which there has been the opportunity for comment at examination.
236. The 2018 study looked at whether other parcels of land between Polesworth with Dordon and Tamworth fulfil certain Green Belt functions. As noted

¹³⁵ The 2018 study [CD6/10] followed a series of earlier iterations.

¹³⁶ In contrast to the 'Eastleigh' approach of assessing the strategic gaps on the basis of a broader range of qualitative considerations (with reference to saved policy 3.CO of the Eastleigh Borough Local Plan Review 2001-2011 adopted originally in May 2006).

above, the Council made no argument that any land within the Strategic Gap be redesignated as such. That is on the basis that the Green Belt serves five purposes as set out in NPPF2012 paragraph 80. However the purpose of a Strategic Gap is more selective in seeking to prevent neighbouring towns from merging into one another (one of the five Green Belt 'purposes'). In my view framing an assessment of the Strategic Gap in those selective terms, as in the 2018 study, was reasonable.

237. Moreover, building upon the 2015 study, the 2018 study considers not only distance between settlements as an indicator of value but also topography, intervisibility, and the relationship of a given area to built development from certain vantage points. I note that both the 2015 and 2018 studies build on the Council's 2010 Landscape Character Assessment, which considered differently defined areas.¹³⁷

238. There are slight differences in the value attributed to different areas comparing the 2010 Landscape Character Assessment with the 2015 and 2018 studies.¹³⁸ However, considered collectively they represented a reasonable and proportionate approach at a plan-making stage. It is inevitable that parcels of land assessed via those studies will include smaller apportionments where development may be advanced, however that is a matter that legitimately falls to decision-taking.¹³⁹

239. I would emphasise the importance of that last point. Whilst the broad extent of the Strategic Gap is justified, it may well be the case that alternatively defined parcels of land have differing degrees of sensitivity. Similarly Warwickshire County Council Landscape Guidelines point to a somewhat mixed landscape character between Tamworth and Polesworth with Dordon, including certain 'urbanising features'.¹⁴⁰ In that context it is conceivable that certain schemes could be designed so as to be suitably accommodated within the Strategic Gap without undermining its purpose.

240. Similarly, paragraph 2.13 of the 2018 study explains how Green Belt policies are typically more stringent than other policies of development restraint. NPPF2012 paragraph 82 similarly explains that in order to demonstrate the necessity for designating land as Green Belt, local planning authorities should 'demonstrate why normal planning and development management policies would not be adequate'. The logical corollary of that position is that policies that apply to the Strategic Gap must be proportionate to its aims and justification.

241. In that context policy LP5 in the Plan as submitted unjustifiably specifies that 'all new development within this gap should be small in scale and not intrude visually into the gap or physically reduce the size of the gap'. On a plain reading that is likely to be the case in respect of any development

¹³⁷ [CD7/1, figures 11 to 19].

¹³⁸ For example where different elements of land between the A5 and B500 are assessed separately in the 2010 Assessment, and comparing areas 10 and 12 in that study to areas 3, 6 and 8 of the 2015 study.

¹³⁹ As indicated by the relevant Inspectors' reasoning in appeals Ref. APP/R3705/W/17/3179922, APP/R3705/W/18/3203467, and APP/R3705/W/15/3136495.

¹⁴⁰ [AD27].

whatsoever, and is therefore arguably more stringent than national Green Belt policy. For effectiveness, an appropriate balance needs to be struck between the aims and justification of the Strategic Gap and its application to decision-taking. That would be achieved via the incorporation of **MM31** and **MM32**. I have amended **MM32** since the version in NWBC20G to remove reference to 'small scale' in the supporting text for consistency with the reasoning above.

Implications of HS2

242. The implementation of HS2 will have significant implications for the Borough. Insofar as North Warwickshire is concerned, the route of HS2 tracks broadly along the M42 and also the A4091. The majority of that route is through the Green Belt or Strategic Gap. Various businesses are located within the Borough by virtue of its particular location and connectivity. Their ability to continue to operate may be impeded by the implementation of HS2, thereby entailing implications for the economic viability of the Borough (and numerically in terms of addressing future employment provision).
243. The judgement in *Pertemps* was brought to my attention in that context.¹⁴¹ That judgement concerns the application of policy P17 of the Solihull Local Plan (adopted in December 2013), specifically the definition of inappropriate development in that context. Insofar as is relevant to this examination *Pertemps* serves to illustrate the principle that development plan policies may, in certain circumstances, justifiably diverge from the terminology of national planning policy. I accept that premise. Nevertheless, having had regard to all the evidence before me, it is necessary only for the Plan to accord in-principle support to replacement of lawful buildings, structures and uses adversely affected by HS2 (to be weighed in the balance in determining individual proposals).
244. The implications of HS2 are, as yet, subject to a certain margin of uncertainty. Provision exists outside of the development plan preparation processes for compensation in respect of those adversely affected by HS2. Not all land along the proposed route of HS2 is within the Green Belt or Strategic Gap. Evidence supporting the Plan is robust in respect of justifying the extent of the Green Belt and Strategic Gap, and to provide for specific exemptions via policy LP3 in the light of the foregoing would be to the detriment of a genuinely plan-led approach. Accordingly appropriate recognition of the potential implications of HS2 would be achieved via the incorporation of **MM70**.

Landscape character

245. NPPF2012 paragraphs 17 and 109 set out how planning should take account of the different character of different areas, recognise the intrinsic character and beauty of the countryside, and that valued landscapes should be protected and enhanced. Plan policy LP14 seeks to apply those objectives to the distinctive landscape characteristics and qualities of North Warwickshire. The step change in levels of growth that the Plan seeks to enable relative to

¹⁴¹ *Pertemps Investments Ltd v Secretary of State for Communities and Local Government & Anor* [2015] EWHC 2308 (Admin).

that advanced via the Core Strategy will inevitably involve change to the landscape.

246. However, notwithstanding the industrial legacy to the Borough, there remain few opportunities for brownfield development. In that context, and with particular regard to SA work considering the implications of different patterns and levels of development, the Plan strikes an appropriate balance between the environmental, social and economic dimensions of sustainable development insofar as landscape character is concerned. I have also reasoned above how the 2010 Landscape Character Assessment, along with other studies related to the value of the Green Belt and Strategic Gap, represents a proportionate evidence base at a plan-making stage. Assessment of effects of a particular proposal will inevitably be a matter of judgement on a case-by-case basis.
247. However, for effectiveness, reference needs to be made in policy LP14 to various supporting landscape character assessments in order to provide a clear basis for decision taking (notably the 2010 Assessment, the Arden Landscape Guidelines 1993 and to the Historic Landscape Characterisation Project).¹⁴² Moreover as submitted, policy LP14 seeks to protect 'identified landscape character areas'. That term is unclear, and fails to reflect the broader protections accorded to landscape character in the NPPF2012 noted above. Furthermore, policy LP14 needs to be suitably flexible in seeking to protect landscape character, whilst making appropriate provision for effects of development to be minimised and mitigated. Those issues would be remedied, and consistency with the NPPF2012 achieved, via the incorporation of **MM59**.

Heritage

248. Against the background of statutory protections in respect of designated heritage assets,¹⁴³ the NPPF2012 sets out how plans should be founded on a positive strategy for the conservation and enjoyment of the historic environment. In recognition that heritage assets are irreplaceable resources, the NPPF2012 further guides how they should be conserved in a manner appropriate to their significance, and that any adverse effects to historic significance should be balanced against public benefits.
249. There is an extensive body of evidence related to heritage assets in the Borough.¹⁴⁴ I accept that the implications of a particular proposal in respect of the significance of a given heritage asset are assessed slightly differently between documents. That is notably the case between NWBC's Historic Assessment study of 2017 and Sustainability Appraisal work.¹⁴⁵ However in my view distinctions between documents in those respects result from legitimate differences in judgement or because of the different level of detail or function of each report. Considered as a whole, evidence associated with the Plan in respect of heritage assets is coherent.

¹⁴² [CD7/1, AD27, CD7/4].

¹⁴³ Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended in particular.

¹⁴⁴ Including [CD8/11, CD8/11A, CD7/3, CD7/4, CD1/2].

¹⁴⁵ [CD8/12, CD1/2].

250. Nevertheless the approach in the NPPF2012 set out above should be accurately articulated in policy LP15 of the Plan, specifically as regards considering the benefits of a scheme where some degree of harm would result. Moreover, without suitable justification, policy LP15 sought to require that transport assessments must include an assessment of townscape and the historic environment. Incorporation of **MM60** would remedy those soundness issues.
251. At examination the Council undertook work to set out clearly the history to how sites have been assessed throughout the various stages of the Plan's preparation.¹⁴⁶ That work demonstrates, notwithstanding differing references to sites or elements of sites in previous assessments, that heritage assets have been appropriately identified and their significance assessed in a manner proportionate to a plan-making stage. It also further illustrates how several potential alternative sites were discounted as a result of potential adverse effects to the significance of heritage assets.¹⁴⁷
252. Similarly at examination the Council have worked with Historic England to ensure an appropriate approach is taken to heritage assets in respect of site allocations (the outcomes of which were the subject of discussion during various hearing sessions).¹⁴⁸ In that context, to ensure appropriate protection of heritage assets in line with the approach in the NPPF2012 and clear expectations of statute, **MM93, MM94, MM99, MM111** and **MM114** are necessary.
253. Including via undertaking additional SA work, the Council have consciously balanced the potential environmental implications of the approach in the Plan against other effects in social and environmental terms. In that context, and on account of the foregoing reasoning, the approach in the Plan thereby represents a positive strategy for the conservation and enjoyment of the historic environment.
254. However, as noted in paragraph 21 of this report, in large part the distinctive character of the Borough derives from its historic canal network. Some elements of that network are designated heritage assets in their own right. Other elements are not, albeit that they have an historic resonance and evident connection with the network as a whole. Accordingly, LP15 should be modified so as to be consistent with the approach in NPPF2012 paragraph 135 regarding appropriately assessing effects on non-designated heritage assets via **MM60**.
255. As submitted Plan policy LP15 accords support to the re-use and adaptation of existing rural buildings provided that a proposal represented 'the only reasonable means of securing its retention'. On a plain reading, insofar as heritage assets are concerned, that is a different test than NPPF2012 paragraph 134 which sets out how consideration should be given to securing

¹⁴⁶ [AD1, NWBC24, Annex C, AD55A].

¹⁴⁷ Along with [CD8/11A].

¹⁴⁸ [AD1/B].

the 'optimum viable use'. In that respect consistency with national policy would be achieved via the incorporation of **MM57**.

Flooding and climate change

256. Paragraph 100 of the NPPF2012 sets out how local plans should apply 'a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change'. The SHLAA identifies various assessed sites as 'more vulnerable' to flooding, with sustainability appraisal work indicating that it would not be possible to 'overcome all [such] constraints'.¹⁴⁹ As set out above the Environment Agency initially objected to certain aspects of the Plan. That was principally on the basis that the supporting Strategic Flood Risk Assessment of 2013 ('SFRA'),¹⁵⁰ pre-dated updated 2016-based climate change allowances.

257. In that context I asked the Council to clarify their approach to the application of the sequential test to site allocations and to undertake additional assessment.¹⁵¹ The subsequent Site Specific Flood Risk Technical Note ('SSFR') assesses proposed allocations H1, H2, H3, E1 and H14 based on their potential vulnerability for flooding; other allocations being less vulnerable with reference to national mapping data. I accept that the 'JFLOW' modelling approach upon which the SSFR is based inevitably incorporates certain assumptions, and is less fine grain than a detailed hydrological assessment informing scheme design. Nonetheless the SSFR is also based on available historical data taking account of 2016-based climate change allowances.

258. In broad terms, the SSFR identifies limited implications of vulnerability to flooding in respect of allocations H1, H2 and H14 beyond those identified through the SFRA. Those allocations are for residential densities of 21dph or less. Those densities are low in absolute and relative terms, noting that Plan policy LP7 advocates a residential density of 30dph. Consequently, there is every prospect that vulnerability to flooding may be suitably addressed in respect of those sites without compromising anticipated delivery.

259. Whilst part of site E1 is vulnerable to flooding associated principally with the Innage Brook, that is an employment allocation (a 'less vulnerable' use in respect of flooding). I will address allocation H3 subsequently in respect of reserve sites, however I note that a significant proportion of it falls within flood zones 2 and 3 such that it cannot rationally be incorporated as an allocation (in lieu of further studies establishing an appropriate approach in that regard).

260. On account of the foregoing, the Plan is founded on proportionate evidence and represents a strategy which seeks to minimise vulnerability to flooding in line with the approach in the NPPF2012. However, in order to manage flood risks from all sources, cumulative impacts, and to ensure appropriate

¹⁴⁹ [CD8/17, CD3/1].

¹⁵⁰ [CD8/2].

¹⁵¹ [NWBC24, Annex D, AD51A].

assessment and mitigation in line with national policy **MM9**, **MM73**, **MM80** and **MM81** should be incorporated. Similarly **MM92**, **MM95** and **MM107** should be incorporated in respect of site allocations for the same reasons, including to reflect the requirement for site specific flood risk assessments to inform scheme design.

Ecology and the natural environment

261. In summary, NPPF2012 paragraph 109 sets out how planning should seek to minimise impacts on biodiversity and to provide net gains in that respect. To that end, NPPF2012 paragraph 118 sets out how, sequentially, harm to ecology or biodiversity should be avoided, mitigated or, as a last resort, compensated for. Those provisions are set within a broader legislative context, notably Environmental Impact Assessment ('EIA') and Habitats Regulations Assessment ('HRA') requirements.¹⁵²
262. Plan policy LP16 seeks to apply those provisions and aims to the Borough. However, for consistency with NPPF2012 paragraph 117, and also NPPF2019 paragraph 170. d), and for the avoidance of doubt regarding implications for the Alvecote Pools Site of Special Scientific Interest and local nature reserves, specific reference should be made to the application of the policy to international, national and locally designated sites of importance for biodiversity via **MM61**.¹⁵³
263. Plan policy LP16 could be read so as to indicate that any and all development must protect and enhance ecology; that may not be a relevant consideration depending on the nature of a particular proposal. Moreover, in some instances and in line with NPPF2012 paragraph 118, some adverse effects to biodiversity may be capable of being mitigated or off-set. Appropriate flexibility in that regard in line with national policy would be achieved via **MM61**, and also via **MM62** in respect of policy LP17.
264. **MM61** is also necessary to ensure that LP16 takes an approach consistent with NPPF2012 paragraphs 109 and 118 in respect of dealing with the potential loss or deterioration of irreplaceable habitats. **MM61** would also bring policy LP16 in line with the recommendations of Government Guidance in respect of ancient woodland, ancient trees and veteran trees, principally that a minimum 15 metre separation distance between such features and development should be ensured.¹⁵⁴ For consistency with NPPF2012 paragraph 100, and to suitably preserve biodiversity including through the removal of man-made features and promotion of wetland habitats, **MM82** is further necessary as an amendment to policy LP35.

Open and green spaces

265. With reference to the Council's Local Green Space Strategy 2019-2033, published at examination, and the particular challenges faced in the

¹⁵² The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and the Conservation of Habitats and Species Regulations 2017.

¹⁵³ As should also be clarified in respect of site allocations via **MM103** and **MM106**.

¹⁵⁴ Ancient woodland, ancient trees and veteran trees: protecting them from development (updated 5 November 2018).

Borough in terms of health and wellbeing, justifiably policy LP24 seeks to ensure appropriate open space and recreation provision. However, as submitted, the policy prevents any loss of such provision, as opposed to enabling a balanced judgement to be made considering loss, replacement or improvement. For effectiveness, appropriate flexibility in that regard would be achieved via **MM66** (and via **MM109** in respect of allocation H20).

266. The evidence supporting the Plan as submitted fails to demonstrate, within the terms of NPPF2012 paragraphs 76 to 78, that spaces intended to be allocated as Local Green Space were 'demonstrably special'. At my request the Council presented additional evidence in support of some, not all, of those originally proposed Local Green Spaces.¹⁵⁵
267. That evidence is largely uncontested. The inclusion of Local Green Spaces would neither preclude their review in time, nor prevent others coming forward if justified (for example through the development of neighbourhood plans). As such the refined list of Local Green Spaces should be incorporated into the plan via **MM63**, with the exception of 'GS/DOR/2' (the establishment of which is dependent on implementation of, and would be secured via, allocation E2). More broadly, subject to suitable masterplanning and site specific arrangements, suitable open green space provision would be provided via individual allocations.
268. On matter 6, on account of the foregoing reasoning and subject to the MMs referenced above, I conclude that the Plan's approach to addressing planning and environmental protections is justified and consistent with national policy.

Matter 7, is the Plan realistic, viable and deliverable?

Stepped housing trajectory

269. The PPG sets out how a 'stepped' housing trajectory may be appropriate where there is to be a significant change in the level of housing proposed relative to an existing plan, or where phased delivery is necessary.¹⁵⁶ Core Strategy policy NW4 set a requirement for at least 3,650 dwellings between 2011 and 2029 (some 203dpa annually). An overall minimum housing requirement of 9,598 expressed as a simple annual average over the 22 year plan period is around 436dpa. By any metric that is a significant change. Phased delivery is also necessary by virtue of securing timely enabling infrastructure, and accordingly a stepped housing trajectory is appropriate.
270. In my view a stepped trajectory needs to be rational, realistic and to balance meeting needs with enabling plan-led development. As set out above, the base date for the plan is 2011. Amongst other things that precedes the adoption of the Core Strategy in 2014, an appeal at Ansley in 2016,¹⁵⁷ and the adoption of the BDP in 2017. Each of those circumstances

¹⁵⁵ [NWBC24B, annexes K, NWBC34B Annex L].

¹⁵⁶ Reference ID: 68-021-20190722.

¹⁵⁷ Ref. APP/R3705/W/16/3149572.

represented successive iterations of evidence regarding housing needs. Those circumstances should be recognised in the formulation of a rational stepped trajectory, rather than suggesting that current evidence be retrospectively applied to different policy and evidential contexts. A stepped trajectory should also be realistic in recognising the ability of the market to deliver, and to absorb, significant levels of housing growth. For clarity the stepped trajectory will form the basis for establishing a five year housing land supply requirement ('5YHLSR').

271. In that context NWBC advanced various potential stepped trajectories in the course of the examination, which were the subject of discussion during the third set of hearings.¹⁵⁸ However taking account of the above factors an appropriate stepped trajectory would be as follows. That trajectory steps up successively in line with the circumstances referred to in the preceding paragraph. It also rationally aligns with anticipated infrastructure provision and site delivery trajectories as detailed subsequently:

- 2011-16, 203dpa
- 2016-24, 265dpa
- 2024-25, 390dpa
- 2025-26, 700dpa
- 2026-27, 725dpa
- 2027-33, 775dpa

272. For effectiveness, that trajectory should be incorporated into the Plan via **MM34**. That trajectory generates an aggregate figure of 9,600 dwellings over the Plan period (consistent with the overarching housing requirement). I acknowledge that the stepped trajectory rises significantly between April 2025 and March 2033. Nevertheless paragraph 1.8 of the Local Plan includes a commitment to early review, and local development documents must in any event be reviewed every five years.

Five year housing land supply requirement ('5YHLSR'), components

273. NPPF paragraph 47 sets out how local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements. Any shortfall in delivery over the Plan period to date should be added to forward requirements. Addressing any shortfall should either be via the 'Sedgefield' or 'Liverpool' methodology, i.e. addressing any shortfall over the next five years or doing so over the plan period respectively. The PPG expressed a preference for the 'Sedgefield' approach to addressing any shortfall, to avoid delay in meeting existing needs.¹⁵⁹ That is the approach advocated by NWBC.

Shortfall relative to stepped trajectory

274. Given that the Plan, and the evidence supporting it, takes 2011 as a base date there is no indication any earlier housing delivery trends should influence establishing a 5YHLSR (such trends being reflected in the SHMA,

¹⁵⁸ [NWBC24, Annex D, NWBC24, Annex F, NWBC20D].

¹⁵⁹ PPG Reference ID: 3-035-20140306 expressing a preference for the former.

demographic data upon which it is drawn). Table 2 of [NWBC11] sets out annual housing completions relative to the housing requirement set in relevant development plan documents at the time over the period 2003 to 2018. To that, NWBC indicate that 298 dwellings were completed in 2018-19.¹⁶⁰ As set out above, at examination that was the latest set of monitoring data produced by the Council. Net completions over the plan period 2011/12 to 2018/19 inclusive therefore amount to 1,570 dwellings.

275. Housing Delivery Test ('HDT') data published by the Government on 19 January 2021 indicates that in the 2019/20 monitoring year there were 215 dwellings delivered in the Borough.¹⁶¹ However HDT data must be viewed with some caution given that in the preceding two monitoring years the completions figure given for North Warwickshire differs from the Council's data.¹⁶²

276. The aggregated shortfall of housing delivery relative to the stepped trajectory for monitoring years 2011/12 to 2018/19 is 240 dwellings. There is little by way of substantive challenge to that figure. However delivery over that period includes 80 'extra care' (use class C2) properties at Laurel Gardens, Mancetter in the 2016/17 monitoring year. I note the reasoning of the Inspector who examined the SADC in respect of a similar issue. The thrust of his concern in respect of counting use class C2 properties against housing requirements was that the approach taken in that respect should have been clearly set out in the plan, which he reasoned it was not.

277. However in this instance addressing the needs of older individuals, or those needing specialist forms of accommodation is set out via Plan policy LP7. Policy LP7 draws on demographic trends in the SHMA, including in respect of age. Moreover the PPG guides how local planning authorities 'should count housing provided for older people, including residential institutions in Use Class C2, against their housing requirements'.¹⁶³ Consequently, in my view it is reasonable to consider the Laurel Gardens scheme as contributing towards housing delivery to date. Accordingly the aggregated shortfall of housing delivery over the plan period to 2018/19 is 240 dwellings.

Five year housing land supply buffer

278. A buffer of either 5% or 20% should be applied, to five years' worth of the stepped trajectory plus any shortfall, in respect of the latter where there has been a record of 'persistent under delivery'. I accept that, looking five years backwards from 2011 housing delivery in the Borough has failed to meet the relevant target in the development plan. However the degree of historic shortfall in delivery relative to targets is relatively modest, some 228 dwellings (approximately 72% of the relevant requirement being met). I also note that in no year did housing delivery meet the WMRSS figure of

¹⁶⁰ [NWBC32].

¹⁶¹ Where under the stepped trajectory there would be a requirement of 380 dwellings.

¹⁶² For 2017/18 and 2018/19 respectively HDT indicates that 227 and 337 dwellings were completed in the Borough, exceeding the Council's data by some 63 homes for those two years.

¹⁶³ Reference ID: 3-037-20140306.

150dpa when that was part of the statutory development plan.¹⁶⁴ However the WMRSS directed development primarily towards principal urban areas, and thus the expectations on local authorities were not the same as they now are.

279. However the PPG explains that the assessment of a local delivery record is likely to be more robust if a longer term view is taken as that is likely to take better account of the inevitable peaks and troughs in the market.¹⁶⁵ Notwithstanding my reasoning above, in each year since the Core Strategy was adopted,¹⁶⁶ housing delivery has met or exceeded the requirement of 203dpa. In those years aggregate housing delivery has exceeded requirements by just under a third, some 323 dwellings in total.
280. Taking a holistic view, looking 15 years backwards from 2018/19, housing delivery in the Borough stands only around 15% under requirements.¹⁶⁷ Consequently, and as delivery has increased in recent years, in my view the track record here does not represent persistent under delivery within the terms of NPPF2019 paragraph 47. My view in that respect, notwithstanding that the basis for the examination is on the basis of the NPPF2012, is reinforced by LHN suggesting a minimum starting point for establishing needs lower than 203dpa, and as delivery in the Borough relative to HDT over the past three years has been relatively strong.

Establishing a five year housing land supply requirement ('5YHLSR')

281. Based on data up to and including the 2018/19 reporting year, the housing shortfall since 2011/12 stands at 240 dwellings. The sum of the stepped trajectory five years forward of 2018/19 represents 1,325 dwellings. Adding that to a shortfall of 240 dwellings returns a five year requirement of 1,565, to which a 5% buffer should be added as reasoned above. Therefore, on account of the foregoing, the 5YHLSR for the period 2019/20 to 2023/24 should be 1,643 dwellings. I will return to delivery, however the Council set out that their five year housing land supply of deliverable sites ('5YHLS') from 2019/20 inclusive onwards is likely to amount to 2,038 dwellings, representing some 6.2 years' worth of forecast supply.¹⁶⁸
282. Inevitably components of the 5YHLSR change depending on the monitoring year from which it is calculated. I have explained above that HDT figures in the monitoring year 2019/20 need to be viewed with some caution. Nevertheless were a 5YHLSR to be projected based on the 2019/20 monitoring year and HDT data indicating 215 dwellings were completed that year, the components would be as follows:

Input	Figure (to nearest integer)
Sum of stepped trajectory 2020/21 to 2024/25	1,450
(Undersupply 2011/112 to 2019/20) ¹⁶⁹	290

¹⁶⁹ That takes account of the HDT figure of 215 for the monitoring year 2019/20, but uses the Council's figures from previous years (whereas, as noted in paragraph 275 of this report, HDT indicates a better 'track record' of delivery by some 63 dwellings).

Sum of first two rows plus 5% buffer	1,827
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283. On that basis, even if delivery in the Borough were to be maintained in line with the Council's figure of 2,038 dwellings, i.e. regardless of an increase anticipated in delivery from site allocations, the Council would in theory still be able to demonstrate a 5YHLS of some 5.6 years (I return to delivery in great detail subsequently). In my view it would take a significantly adverse turn of events to result in NWBC being unable to demonstrate a 5YHLS within the foregoing terms over the period 2020/21 to 2024/25; annual housing delivery would have to falter below 365 dwellings (which delivery in years between 2014/15 and 2019/20 has come close to).

Infrastructure provision

284. The NPPF2012, at paragraphs 17 and 21 in particular, sets out how planning should proactively drive infrastructure provision in order to meet housing and economic needs. Justifiably the Plan's vision, strategic objectives, along with policies LP1, LP7 and LP7 underscore the importance of securing appropriate and timely infrastructure provision in the Borough.

285. Many local residents made compelling cases at examination that, historically, infrastructure provision has failed to keep pace with other development coming forward in North Warwickshire. Nevertheless the Plan has been formulated in conjunction with various organisations involved in the delivery of a wide range of infrastructure. There are also various statements of common ground between the Council and such organisations endorsing the approach proposed via the Plan to providing different types of infrastructure in a timely manner (and to ongoing commitments to collaborative working).¹⁷⁰

286. In respect of transport infrastructure specifically, as submitted the Plan was supported by two principal documents, an Infrastructure Delivery Plan ('IDP') and a Strategic Transport Assessment ('STA').¹⁷¹ On account of the current nature of the A5, the principal route between Tamworth and Nuneaton and historically a Roman Road subject to piecemeal alteration over time, the IDP focusses on transport provision (albeit also references broader forms of infrastructure provision including healthcare, education and leisure facilities).

287. However understanding how particular projects identified in the STA and IDP interrelate is challenging. IDP paragraph 5.5 categorises infrastructure projects as either 'critical', 'necessary' or 'preferred'. The IDP uses different terminology; table 28, for example, refers to 'core' mitigation projects.

¹⁶⁵ Reference ID: 3-035-20140306.

¹⁶⁶ Over monitoring years 2014/15 to 2018/19.

¹⁶⁷ Monitoring years 2003/4 to 2018/19; 2,492 dwellings relative to development plan targets of 2,924.

¹⁶⁸ As follows: 2,038/ (1,643/5).

¹⁶⁹ That takes account of the HDT figure of 215 for the monitoring year 2019/20, but uses the Council's figures from previous years (whereas, as noted in paragraph 275 of this report, HDT indicates a better 'track record' of delivery by some 63 dwellings).

¹⁷⁰ Including in respect of healthcare provision [AD4] and as regards education facilities [AD31].

¹⁷¹ [CD0/4, CD8/18A].

Correlating the two documents is further complicated by a different definition of projects between the two documents.

288. In that context the Council produced a consolidated table of infrastructure projects categorised as either 'critical' or 'important' to achievement of the Plan's objectives.¹⁷² That provides a clear and coherent project list, notwithstanding a simpler categorisation of projects' relative importance. In that context, for effectiveness, the Plan should refer clearly both to the various infrastructure projects integral to enabling the strategy as a whole, and practically how contributions would be sought via development proposals. That would be achieved via incorporation of **MM19** and **MM20**.
289. A plan must represent a deliverable strategy. As submitted, delivery of a significant element of the development proposed via the Plan, is reliant on upgrades to the A5 (around which allocations are primarily focussed). Notwithstanding some overlap between projects noted in paragraph 287 of this report, the foregoing evidence indicated those upgrades would amount to approximately £115.5 million. I wrote to the Council in June 2019 explaining the centrality of that issue to the Plan.¹⁷³ In doing so I explained that such costs had not been factored in to associated viability assessment work.
290. Albeit that a bid for associated funding was made via the Housing Infrastructure ('HIF'), on 11 March 2020 the Budget committed to funding amounting to £328 million in support of 'additional housing investments in York Central, Harlow and North Warwickshire'. I wrote again to NWBC in May 2020 asking for clarification as to how that overarching sum would relate to projects in the Borough.¹⁷⁴ In July 2020 the Council explained how funds totalling £79.5 had been committed towards projects in North Warwickshire.¹⁷⁵
291. Numerically that commitment exceeds, by some £21.5 million, the HIF bid for £58 million towards 'phases 1 and 2' A5 improvements defined in the STA. 'Phases 3 and 4' of A5 improvement works, often referred to in the evidence before me as 'dualling north of Grendon', were similarly ascribed a projected costing of £57.5 million. Notwithstanding any divergence between forecast and actual project costs, funding committed to A5 improvements would likely cover a proportion, or elements, of A5 phases 3 and 4 works.
292. For clarity I note that, geographically, phases 3 and 4 relate to the proposed indicative route of the A5 coloured purple in the Council's 'A5 Dualling Proposals' note.¹⁷⁶ That indicative route passes through reserve housing site RH1 'Dairy House Farm Phase 3 and safeguarding route for dualling of A5', a site of some 49 hectares. That interaction, and appropriate safeguarding of such a route in line with NPPF2012 paragraph 41, would be clarified via the incorporation of **MM89**.

¹⁷² [NWBC26, appendix A, updated December 2020].

¹⁷³ [INSP18].

¹⁷⁴ [INSP20].

¹⁷⁵ [NWBC26].

¹⁷⁶ [AD47].

293. Following the Budget 2020 announcement, NWBC worked with Warwickshire County Council and Highways England to clarify timings and implications of A5 improvement works amidst wider strategic trends and projects. That work is summarised in a statement of common ground (the 'A5 SOCG').¹⁷⁷ The A5 SOCG explains that phases 1 and 2 of A5 improvements are likely to be completed by March 2028 (notwithstanding any implications of Covid-19 or other unforeseen circumstances).
294. The A5 SOCG also notes how a strategy is being prepared for additional improvements to the A5 under the auspices of the Government's second iteration of the Road Investment Strategy ('RIS2'), and that further improvements to the A5 are being advanced in the third round of the Road Investment Strategy ('RIS3'). In that context, and based on associated modelling information regarding A5 capacity prepared at examination,¹⁷⁸ the A5 SOCG explains that the parties to it 'cannot foresee any strategic reasons why planning applications which impact onto the A5 in North Warwickshire should attract an objection in respect of highways matters'. Whilst the history to that position is intricate, there is no robust countervailing evidence before me to that position.
295. I accept that the outcome of any bid for funding, whether via RIS3 or another scheme, is uncertain. Nevertheless the importance of improvements to the A5 is clearly acknowledged in various other contexts, providing an appropriate degree of certainty as to the likelihood of future improvements. I note that is particularly the case in Transport for West Midlands' 'Movement for Growth' Strategic Transport Plan adopted in June 2016, and in the Midlands Connect 'Our Routes to Growth' sub-national strategy published in July 2018.
296. Understandably, I heard arguments that selective improvements to the A5 may 'displace' traffic issues rather than resolve them comprehensively. Whilst I accept the logic of that position, STA paragraphs 5.96 and 5.97 explain how under a 'do something' scenario, namely that A5 phases 1 and 2 projects are implemented, 'severe' traffic implications on the existing road network are not forecast to arise by 2026. Broadly, the A5 Growth Corridor Study is consistent with the findings of the STA in that respect, albeit that it points to the need for more significant projects to come online towards the tail end of the Plan period.
297. The A5 Growth Corridor Study reinforces my reasoning that a stepped housing trajectory is necessary to effectively align infrastructure provision and growth in the Borough. Moreover, where relevant, individual applications will need to be supported by robust evidence related to access and transport implications in line with Plan policy LP25. Consequently, on account of the foregoing, I am satisfied that the Plan has been prepared positively in terms of infrastructure provision, and that residual cumulative

¹⁷⁷ [SoCG05 A5].

¹⁷⁸ [AD5A].

impacts of development are unlikely to prove severe (or to impede delivery of Local Plan objectives).

298. In that context, it could be argued that reserve allocation RH1 should be brought forward earlier (i.e. incorporated as an allocation rather than reserve site). However at present the detailed specification of A5 improvements there is subject to some degree of uncertainty. Nevertheless, for effectiveness, the function of reserve sites and the circumstances that would be necessary to consider their being brought forward should be set out expressly in the Plan via **MM89** (which specifies how bringing forward such sites will be contingent on resolving certain matters of detail and buoying up forecast forward housing supply).

Viability

299. NPPF2012 paragraph 173 sets out how pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. As reinforced via the PPG, viability is intrinsically linked with changeable market conditions and an important aspect of assessing deliverability.¹⁷⁹ As submitted the Plan was supported by viability assessment work pre-dating the Core Strategy.¹⁸⁰ At my request the Council updated that work at examination, reflecting the preceding policy and guidance context. I note that NPPF2019 paragraph 57 puts a greater emphasis on applicants demonstrating at the application stage how diverging from the approach in a Local Plan in respect of viability is justified in particular instances.

300. At examination the Council produced three viability reports, one related to residential development, another non-residential development, and a third an update reflecting revised affordable housing needs calculations referred to previously.¹⁸¹ Based on industry standard construction metrics and market conditions, all viability reports indicate that development envisaged to be enabled by the Local Plan would be viable, i.e. that undertaking development of whatever form would provide a competitive return to a willing land owner and developer.

301. Residential reports factor in relevant contributions towards infrastructure provision including affordable housing. High level development appraisals also demonstrate viability in respect of specific allocations.¹⁸² I acknowledge that such appraisals cannot fully account for site specific circumstances that may be encountered in practice, for example ground conditions. However there is a degree of tolerance in development appraisals to account for unforeseen circumstances, and allocation densities have consciously been limited in order to provide for flexibility in delivery.¹⁸³

302. Curiously, given the strategic location of the Borough and high levels of employment land provision, viability is identified as being more marginal in

¹⁷⁹ Reference ID: 10-001-20140306.

¹⁸⁰ [CD8/22].

¹⁸¹ [NWBC13, NWBC14, NWBC26D].

¹⁸² Notably in appendices to [NWBC13].

¹⁸³ Noting that densities decline relative to the increasing size of an allocation.

respect of non-residential development. There are many dynamics informing that differential including the existing stock of non-residential premises, and that there are greater differences between non-residential premises along with build costs compared to dwellings for valuation purposes. Nevertheless non-residential viability work reinforces the justification for inclusion of **MM39** and **MM40**, in indicating that there is strong demand for larger scale storage and distribution facilities.¹⁸⁴

303. On account of the foregoing reasoning, evidence supporting the Plan in respect of viability is appropriate. On that basis, and subject to suitable reference being made to viability considerations in policies LP1, LP2, LP9 via **MM21** and **MM24** and **MM50** the approach in the Plan is justified and consistent with NPPF2012 paragraph 173.

Deliverability of site allocations

304. Various representors referenced the Nathaniel Lichfield and Partners' 2016 report entitled 'Start to Finish' in arguing that anticipated delivery trajectories were overly-optimistic relative to national trends. On that basis some suggested that that the overall quantum of housing that the Plan is likely to deliver would be about 1,354 homes lower than the Council anticipates.¹⁸⁵ If that were to be the case, housing delivery would undershoot the minimum requirement of 9,598 by some 14%.

305. Following the second set of hearings, the Council published data on lead-in times and delivery rates for housing schemes in the Borough.¹⁸⁶ However given the scale of schemes that have come forward in the Borough relative to the size of allocations, that data offered little by way of direct comparison. The Council subsequently engaged with landowners and promoters and set out in greater detail the mechanics of forecast site trajectories [NWBC26, Appendix C].

306. [NWBC26, Appendix C] sets out, based on engagement with landowners and promoters, how the number of outlets on larger sites can be arranged so as to achieve anticipated delivery rates. I am told that similar arrangements are in place in larger sites at the fringes of the Borough in Nuneaton and Bedworth Borough Council's administrative area, and that for site H7 delivery trajectories have conservatively assumed a lower level of output than a standard nationally-derived benchmark.

307. Whilst I accept that the housing delivery trajectory is premised on a somewhat truncated lead-in time relative to national trends, there are various representations before me attesting to extensive preparatory work that has already been undertaken in respect of site allocations. I also note that lapse rates in respect of future provision have been calculated relatively modestly compared to trends over the period 2012/12 to 2018/19. A 3% lapse, or non-implementation, rate has been assumed, whereas data over that period indicates a slightly lower rate has occurred in the Borough.

¹⁸⁴ [NWBC14, section C2].

¹⁸⁵ [PS.M8.04].

¹⁸⁶ [NWBC24, Annex I].

308. As referenced earlier in this report there is an ostensible mismatch between site allocation densities and policy LP7 of the Plan. However that is a justifiably cautious approach. It would allow for flexibility in the design of particular schemes, including the incorporation of landscaping buffers, green space, and avoiding constraints. In my view that builds in sufficient flexibility. The Council has set out how, typically, sites are coming forward in the Borough for development with a net density of around 34dpa,¹⁸⁷ reinforcing my reasoning above. As such, drawing together my reasoning above, the delivery trajectories in [NWBC26, Appendix C] are reasonable.
309. However, even if delivery were to falter against expectations, 1,354 homes cited in paragraph 304 of this report represents less than two years' worth of the stepped trajectory in respect of years 2027-2033. Collectively reserve sites RH1, RH2 and RH3 have an indicative aggregate capacity for around 794 homes, and, subject to **MM89** may be brought forward if housing land supply dips below 5.5 years' worth. As such I am satisfied that a suitable trajectory in respect of housing delivery would likely be achievable, and if not that the Plan contains sufficient safeguards to maintain delivery in line with expectations in any event.

'Windfall' housing

310. 'Windfall sites' are defined in the glossary to the NPPF2012 as 'sites which have not been specifically identified as available in the Local Plan process'. NPPF2012 paragraph 48 sets out how local planning authorities 'may make an allowance for windfall sites in the five year [housing land] supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply'.
311. I accept that monitoring years 2016/17 and 2017/18 are somewhat atypical, in that the Council explains in those years an average of 120 dwellings each year came forward on sites not identified in the development plan. That is likely on account of the increasing divergence between evidence of objectively assessed needs and the provisions of the Core Strategy as set out above. Nevertheless, in those years the majority of provision arose from smaller sites, some 78 and 86 homes respectively.
312. Looking back over a longer period, 2011/12 to 2017/18, on average about 57 homes annually have been delivered on smaller sites. In that context, subject to clarifying the definition and mechanics of calculating windfall via incorporating **MM34**, **MM43**, **MM44** and **MM45**, and ensuring appropriate flexibility in LP2 as modified via **MM24**, windfall expectations would be consistent with the approach in the NPPF2012. In my view that Plan policy LP8 sets an 'allowance' of 60 dwellings a year, and that those are accounted for only in years 2022/23 onwards in respect of five year land supply calculations is justified in that context.

Components of supply, housing

¹⁸⁷ [PS.M9.01].

313. Drawing together my reasoning above the 5YHLSR between 2018/19 to 2023/24 stands at 1,643 dwellings. Indicatively the 5YHLSR between 2019/20 to 2024/25 would stand at 1,827. As set out in a '5YHLS update paper' the figure of 2,038 referenced by the Council in respect of the 2018/19 to 2023/24 5YHLSR is overwhelmingly composed of sites with planning permission. Sites with permission represent some 1,301 homes (64% of 1,643). Individual permissions, along with anticipated annual delivery trajectories, are set out in an associated 'trajectory chart'.¹⁸⁸
314. Over the period 2018/19 to 2023/24, anticipated delivery from site allocations, consistent with the implications of **MM88**, are forecast to result in housing delivery only gradually. That is justified in particular as sites, or parts of sites, already have planning permission.¹⁸⁹ Appropriately where outline consent has been granted, the trajectory chart forecasts delivery only in later years reflecting the necessity to secure approval for reserved matters. Rationally NWBC forecast that larger allocations will deliver significant numbers of homes towards the middle or end of the Plan period, in a way broadly aligned with infrastructure projects.
315. Whilst I accept that A5 phases 1 and 2 improvements are likely to be in place only by March 2028, before which some delivery is forecast from allocations H1, H17 and H13, I have reasoned above how that is not unreasonable; some level of development may legitimately come forward in advance of those schemes without entailing undue highways effects. I have also explained above that windfall provision is rational, and note that in respect of the 5YHLSR between 2018/19 to 2023/24 the 5YHLS update paper indicates only two years' worth of contribution in that respect.
316. I now turn to the 5YHLSR between 2019/20 to 2024/25, of about 1,827. Based on the trajectory chart, in addition to three years' worth of supply from windfalls and applying a lapse rate to planning permissions, anticipated delivery would stand at around 2,614 homes. Relative to the 2018/19 to 2023/24, still the major component of anticipated supply is from sites with planning permission (some 49%).
317. Reflecting on my reasoning above, subject to the foregoing MMs, the evidence points to all components of supply being suitable. Inherent in my reasoning under matter seven is that there is appropriate justification that sites are available and achievable.¹⁹⁰ I accept that there are inevitably site specific factors and circumstances that may transpire. Nevertheless in respect of both 2018/19 to 2023/24 and 2019/20 to 2024/25, the evidence before me indicates likely supply of 2,038 and 2,614 would both exceed the minimum that would be required to demonstrate a 5YHLS.
318. I am therefore satisfied that the Council will be able, upon adoption, to demonstrate a 5YHLS in line with NPPF2012 paragraph 47. Nonetheless, for

¹⁸⁸ [NWBC26, updated December 2020].

¹⁸⁹ Notably at allocations H1 and H17.

¹⁹⁰ Noting the distinction in the definition of deliverable in footnote 11 to the NPPF2012 relative to the glossary to the NPPF2019, notwithstanding the clear evidence submitted at examination regarding housing completions beginning within five years by site promoters or owners.

effectiveness, table 7 in the Plan should be updated to reflect the inputs and assumptions described above, as would be achieved via the incorporation of **MM86**.

Components of supply, employment land

319. Site E1 was proposed for allocation under the title 'Land south of Rowlands Way east of Aldi (for Aldi expansion)'. That, inadvertently, blurs the line between land use and ownership. There is nothing to indicate that E1 would not be appropriate for an alternative employment use in the eventuality that its currently envisaged function were not to materialise. Incorporation of **MM91** and **MM95**,¹⁹¹ would resolve that matter. I heard arguments that allocation E4, stated in the Plan as submitted to be 42 hectares, be increased by a significant amount, some 16 additional hectares. However I am not satisfied that there is compelling justification as to why that is necessary for effectiveness, or any other soundness reason.
320. Based on the figures set out in **MM90**, as at 2018/19 planning permissions and allocations for employment land stands at some 126.47 hectares. Adding in completions between 2011/12 and 2018/19 monitoring years, on that basis provision of employment land in the Borough is forecast to amount to some 293.55 hectares in total. I accept those figures include a number of completions and permissions at Hams Hall and Birch Coppice. Nevertheless, I have reasoned in paragraph 175 of this report that permissions and allocations setting aside Birch Coppice and Hams Hall comfortably exceed an overall requirement of 100ha.
321. That is setting aside that future employment land requirements have not been 'adjusted downwards' to reflect the relative imbalance of jobs to economic active individuals in the Borough (referenced in paragraph 167 of this report). Moreover that figure does not include that certain allocations are not expressly limited to the provision of housing alone, nor the implications of **MM39** and **MM21**. There is no robust evidence before me that delivery from sites with permission or allocations is likely to falter over the Plan period; by contrast the predominant argumentation I heard at examination attests to a buoyant market for employment land in this location.
322. On matter 7, on account of the foregoing reasoning and subject to the MMs referenced above, I conclude that the Plan is realistic, viable and deliverable.

Matter 8, are policies related to allocations and managing development in practice consistent with the Plan's objectives, clear and effective?

Allocations

323. Following clarification in respect of the vulnerability of sites to flooding and evidence of forecast delivery as referenced above,¹⁹² and to bring density

¹⁹¹ Which I have amended since [NWBC20G] to accurately reflect site areas.

¹⁹² [NWBC24, Annex D, AD51A, NWBC26C, updated December 2020] in addition to information associated with application ref PAP/2014/0542.

expectations broadly in line with other sites anticipated delivery from allocation H1 should justifiably be amended to an anticipated delivery of 620 dwellings. That would be achieved via incorporation of **MM87** and **MM92**. I have noted above how **MM892** would also clarify matters related to flooding, and their consequential implications for scheme design.

324. As submitted site H2 is indicated to be allocated 'for future growth', which may incorrectly suggest that delivery is anticipated later than other sites. **MM94** would address that issue alongside appropriately reflecting flooding and heritage sensitivities to be taken into account in the design of the scheme (and is therefore necessary for effectiveness and consistency with national policy). Access arrangements in respect of allocation H2 will need careful consideration via masterplanning, albeit that there is no indication that such matters would represent a fundamental barrier to delivery.¹⁹³
325. Consistent with anticipated delivery trajectories, it should be clarified that site H7 is anticipated to deliver only around 1,675 dwellings over the Plan period. I have reasoned above how local residents, understandably, place considerable value on the rural surroundings to Polesworth with Dordon and feel strongly that they have different identities. For consistency with NPPF2012 paragraphs 17 and 60, sensitivity to design in that respect should be set out clearly (as would be achieved via incorporation of **MM99**). The Council should additionally ensure that the site boundary accurately represents the relevant area, excluding land owned by Polesworth Group Homes Ltd.
326. I visited the site to which allocation H7 relates on several occasions over the course of the examination, noting in particular the Hollies, a local wildlife site containing ancient woodland central to the site, and the settings of Dordon Hall and the listed Obelisk. In that context I accept that the implementation of H7 would represent a significant change to the landscape here, and that its proposed inclusion has generated a substantial level of local objection. Whilst I am sympathetic to those concerns, nevertheless the allocation of H7 is justified given my reasoning in matters 1 to 7.
327. However it is of paramount importance that the delivery of the site is design-led, with careful recognition of environmental and heritage sensitivities. Particular attention needs to be paid to buffer zones around the Hollies and the setting of designated and non-designated heritage assets to minimise adverse effects.¹⁹⁴ For clarity, criterion seven of policy H7 as modified via **MM99** does not indicate that Hoo Hill in itself is a designated heritage asset, but it nevertheless forms part of the surroundings in which both the Obelisk and other heritage assets are experienced (and should therefore be accorded appropriate consideration in line with NPPF2012, paragraph 129).

¹⁹³ Funds related to such matters are included in the associated viability appraisal [NWBC13, Appendix 8b].

¹⁹⁴ Noting consistency with Forestry Commission in respect of ancient woodland guidance, insofar as there are specific implications in that regard.

328. I have addressed various matters related to allocation H13 previously. Nevertheless for effectiveness the overall quantum of development anticipated should be identified in the allocation. I visited the surroundings to H13 on various occasions, and saw how careful account needs to be taken account of surrounding environmental and heritage assets in a similar manner to allocation H7 to ensure consistency with national policy (including Alvecote Wood, Alvecote Priory and Alvecote Pools).¹⁹⁵ In that context, and as there are differential options for achieving access recognising the surrounding context of the former municipal golf redevelopment to the west, again development there will need to be design and masterplan-led. The foregoing would be achieved via incorporating **MM103** and **MM106**.
329. I have set out above how **MM111** is necessary in respect of heritage sensitivities, which is particularly the case in respect of allocation H15 which is surrounded by various heritage assets. The historic farmstead itself possesses some clear historic integrity whilst not being listed, and there is the potential for effects to any surviving remnants of Baddesley Old Hall. Consistency with national policy in those regards would also be secured via incorporation of **MM111**.
330. Allocation H17 'Land off Spon Lane Grendon (former Sparrowdale School) site and former recycling centre' secured planning permission for redevelopment into 56 dwellings.¹⁹⁶ In line with my reasoning in paragraphs 194 and 218 of this report, it should be removed from allocation in policy LP39. I have amended **MM86** to reflect that change compared to the version consulted upon [NWBC20G], noting that the deletion of H17 as an allocation was nevertheless referenced in **MM88** during consultation on MMs.¹⁹⁷
331. Given its close relationship to Michael Drayton Junior School and Hartshill School, for consistency with NPPF paragraph 32 regarding ensuring safe and suitable access for all, allocation H19 should make particular reference to ensuring appropriate integration with surrounding uses. That would be achieved via the incorporation of **MM112**. For effectiveness the interaction between H20 and RH2 should be clarified, as would be achieved via **MM108**. For consistency with the overarching objectives of the Plan in terms of maintaining and improving access to open and recreational facilities, heritage, and also with reference to Forestry Commission guidance in respect of ancient woodland, **MM109** is further necessary in respect of H20. The requirement that H19 and H20 proceed in line with an agreed concept or masterplan will additionally ensure any sensitivities regarding interaction with quarrying in this location are suitably taken into account in respect of scheme design.
332. To ensure appropriate flexibility in terms of achieving safe and suitable access in respect of allocation E2, and to secure appropriate provision for

¹⁹⁵ Respectively ancient woodland, List Entry No. 1262207, and a Site of Special Scientific Interest.

¹⁹⁶ Ref. PAP/2018/0287, subject to subsequent detailed applications.

¹⁹⁷ That change necessitates 54 dwellings (with a 3% lapse rate applied relative to the permission) moving to row 'c' of table 7 in **MM86** and therefore an adjustment of 2 in terms of total supply (9768 in row 'i').

the relocation of allotments, **MM100** should be incorporated. Without robust justification allocation E3 seeks to limit development in that location to 'low intensity, small scale, primarily B1, research and development uses'. Given the surrounding context, which hosts a range of uses, that requirement should be modified via **MM101** (which would equally clarify the mechanics of replacement recreational land provision).

333. I have addressed certain aspects of arguments put to me in respect of allocation E4 in paragraph 319 of this report. Similar to my reasoning in respect of allocation E3, there is insufficient justification before me for the approach proposed via the Plan in respect of limiting provision of logistics facilities at E4. By consequence, and so as to ensure that the design of any scheme integrates appropriately with its surroundings in line with national policy, **MM105** and **MM110** should be incorporated. Those MMs equally address matters of connectivity and economic diversity in line with the overarching objectives of the Plan.

Reserve sites

334. Site RH2, to the north of Coleshill Road, Ansley, is some distance away from the A5 (and thereby not as dependent on A5 upgrades as other sites). I heard arguments that RH2 and RH1 could contribute significantly towards affordable housing provision, and in that context that a trigger for bringing forward reserve sites should be affordable housing provision in addition to housing supply generally.

335. Nevertheless I understand that at present the level of detailed assessment associated with both sites RH1 and RH2, particularly as regards access arrangements, are currently subject to a degree of uncertainty beyond those associated with other allocations. Their identification as 'reserve' sites strikes a reasonable balance between acknowledging their appropriateness, in principle for development, alongside the need to refine assessment work over time. Subject to the incorporation of **MM21** and **MM89**, I am satisfied that the Plan provides a suitable basis for bringing forward reserve sites.

336. I have set out above how a significant proportion of allocation H3, however, falls within flood zones 2 and 3. I note the Environment Agency's position that whether or not an appropriate approach is achievable is somewhat uncertain. However that site has been identified as likely to be suitable via the comparative assessment of sites described above, and a proportion of the proposed site is at lower vulnerability to flooding. Subject to **MM21** and **MM89**, the latter setting out detailed requirements in respect of site specific assessment, its inclusion as a reserve site is nonetheless acceptable.

Development management policies

337. There are certain subject matters addressed in the NPPF2012 which are not subject to specific policies in the Local Plan (there is, for example, no single policy on rural exception sites or archaeology). However the provisions of NPPF2019 paragraph 11 do not apply in decision taking where the development plan is 'silent', as was the case in NPPF2012 paragraph 14. There is also no expectation that a Local Plan will cover each and every set

of circumstances that may arise in practice, and therefore the approach taken in the Plan in that respect is proportionate to circumstances in the Borough.

338. Various development management principles have a long history in established practice. Nevertheless, as submitted, the Local Plan contains occasional references to documents, standards, legislation and organisations which have now been superseded. Reflecting current circumstances, and for consistency with national policy, such references should be deleted (as would be achieved via **MM71**, **MM72** and **MM98**).
339. An indicative minimum density requirement of 30dph in most locations is consistent with historic trends in North Warwickshire, and therefore the established character of the Borough. Alongside an indicative 50dph threshold in central locations, it is also aligned with the approach to density referenced in the SGS. However those thresholds in LP7 should be flexible to enable schemes to be designed with appropriate regard to local distinctiveness in line with NPPF2012 paragraph 60. Similarly, albeit for effectiveness, the approach in the Plan should be clarified to ensure that higher density thresholds are not applied to 'town centres' as they are defined in Plan policy LP21. In that context, for effectiveness, **MM41** should be incorporated making that distinction.
340. NPPF2012 paragraph 32 sets out that all development that generates significant amounts of traffic should be supported by a Transport Statement or Transport Assessment. No specific quantification of 'significant' is, however, given in the NPPF2012 or PPG,¹⁹⁸ which should be reflected by establishing that the thresholds for Transport Statements or Assessments in Plan policy LP25 and Appendix G are indicative. That would be achieved via the incorporation of **MM67**. For effectiveness the Plan should additionally recognise that any works to rail network crossings should not impede HS2 implementation, as would be achieved via **MM69**.
341. NPPF2012 paragraphs 30 and 31 encourage facilitating the use of sustainable modes of transport, and ask that authorities work with neighbouring authorities and transport providers to develop strategies for the provision of viable infrastructure. In that context policy LP26 appropriately seeks to set a framework for improving railway stations and facilities, and to identify locations whereby new railway stations or facilities may be created in time, with reference to the West Midlands Rail Executive's Strategy. However that strategy will evolve in time, and for consistency with national policy the Plan must contain sufficient flexibility to respond to opportunities in this respect over time. That would be achieved via incorporation of **MM68**.
342. Some argued that there was insufficient justification for safeguarding currently inactive rail routes via plan policy LP27. That was principally on the basis of interaction with other transport routes and projects, practical difficulties in achieving any re-use, or the likelihood of any active future use

¹⁹⁸ Reference ID: 42-013-20140306.

occurring. However NPPF2012 paragraph 29 sets out how the transport system should be 'balanced in favour of sustainable development'. On the basis of the evidence before me it is therefore appropriate to seek to safeguard such lines for the time being, whether for re-use as rail or alternative form of transport corridor. Nevertheless Plan policy LP27 should make it clear that that is in recognition of the potential for some form of active use thereof in the future (as would be achieved via **MM70**). That, in my view, would provide an appropriate balance at this juncture for decision-taking.

343. As consequential amendments to my reasoning above, **MM65**, **MM13**, **MM4**, **MM116**, **MM117** and **MM118** are necessary in respect of policy LP31 'Development considerations'. Furthermore to ensure that policies LP31 and LP32 accord with the provisions of NPPF2012 paragraphs 60 and 109 in particular, **MM74** and **MM75** should be incorporated. Likewise, for consistency with NPPF2012 paragraphs 60 and 70, **MM76** and **MM70** should be incorporated (in so far as appropriately regulating shop front alterations and advertisements is concerned). For similar reasons, and on account of changes to the UCO since the submission of the Local Plan for examination, **MM78** should also be incorporated. Similarly, to ensure appropriate flexibility in support of a prosperous rural economy and communications infrastructure in line with NPPF2012 paragraphs 28 and 42 respectively, **MM79** and **MM85** should be incorporated.

344. As recognised in NPPF2012 paragraphs 93 and 94, planning plays an important role in mitigating the impacts of, and adapting the environment to, climate change. In that context, notwithstanding that Building Regulations standards have moved on since the adoption of the Core Strategy, it is a legitimate planning aim to seek to ensure emissions are minimised via the use of renewable technologies in pursuit of objectives in the Government's Clean Growth Strategy (as is the case of Plan policy LP37). I note that the Government's response to consultation on what became the NPPF2019 set out that plans may set more stringent policies than Building Regulations in that regard. However policy LP37 should be suitably flexible, with appropriate account taken of viability in line with NPPF2012 paragraph 173, as would be achieved via the incorporation of **MM84**.

345. As noted previously there are challenges inherent in marrying up wider pressures for growth outside North Warwickshire with achieving balanced growth in the Borough. The Plan has been informed by discussions with SMBC, in whose administrative area Birmingham Airport falls (close to the westernmost boundary of North Warwickshire). However, without robust justification, as submitted Plan policy LP36 seeks to prevent any parking provision associated with the Airport being made within the Borough. Such provision may have certain economic and cross-boundary benefits, provided there is robust justification for such provision in respect of its location and compatibility with achieving the Plan's overarching objectives. An appropriate and justified approach in that regard consistent with national policy would be achieved via the incorporation of **MM83**.

346. Local Plans should be based on a proportionate evidence base and be kept up-to-date. The PPG reflects the importance of monitoring progress towards the achievement of Local Plan objectives. Where monitoring results differ from policy requirements, or identify new trends, that may be relevant in planning applications and reviewing the Local Plan or elements of it. Various monitoring indicators in the Local Plan as submitted are absent, unclear or imprecise. Many of the MMs recommended in this report also have consequential implications for monitoring arrangements. Soundness in respect of monitoring in the foregoing context would be achieved via the incorporation of **MM6**, **MM52**, **MM89** and **MM120**.
347. There has been opportunity to comment upon monitoring indicators over the course of the examination. In my view such indicators are best expressed as a 'trend' where a measurable figure would be unidentifiable or overly simplistic. In practice other evidence will emerge which will have a bearing on whether the aims of the Plan are being achieved (for example demographic and employment data). However it is unnecessary for soundness to specify that all such potential sources of information are included in the monitoring arrangements specifically.
348. It is appropriate to maintain Appendix A, a Glossary to the Plan. However it should be clear that any divergence in the definition of terms cedes to the Plan as modified and current policy (as would be achieved via **MM4**, which I have altered to that effect). As reasoned above the housing trajectory in appendix B to the plan should be updated (as would be achieved via **MM34**).¹⁹⁹ Similarly Appendix C of the plan as submitted, an evidence base list associated with the Plan, should reflect the current list of documents at examination and would be achieved via the provisions of **MM19**. Appendices D and E and F of the Plan contain information on the settlement hierarchy, traveller sites and housing completions; whilst now superseded by much of the Local Plan and evidence produced at examination, their inclusion does not go to soundness. Returning to my reasoning in paragraph 17 of this report, it is for the Council to ensure that the policies map is accurate.²⁰⁰
349. On matter 8, on account of the foregoing reasoning and subject to the MMs referenced above I conclude that policies related to allocations and managing development in practice are consistent with the Plan's objectives and that they are clear and effective.

Overall Conclusion and Recommendation

350. The Plan has a number of deficiencies in respect of soundness as set out above. Those lead me to recommend non-adoption of the Plan as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in this report. The Council has, however, requested that I recommend MMs to make the Plan sound and capable of adoption. As reasoned above, I conclude that the duty to cooperate has been met, as have all other legal requirements, and that with the

¹⁹⁹ [NWBC26C, updated December 2020].

²⁰⁰ Including as annotated in [NWBC20G].

recommended MMs incorporated (as set out in the Appendix to this report), the North Warwickshire Local Plan satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

Thomas Bristow

INSPECTOR

This report is accompanied by an Appendix containing the Main Modifications.