

Extract from the North Warwickshire Borough Council Local Plan, Inspector's Report, 16 July 2021

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The Planning Inspectorate

Report to North Warwickshire Borough Council

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an Inspector appointed by the Secretary of State

Date: 16 July 2021

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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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 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).

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. *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.

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**.

¹¹² [AD26, page 48].

Extract of Main Modifications from Appendix to Inspector's Report July 2021

Ref	Page	Policy/ Paragraph	Main Modifications
MM40	35	<i>Insert under policy LP6</i>	<p><i>Insert new policy and supporting text:</i></p> <p>LP 6a – Additional Employment Land</p> <p><u>Significant weight will be given in decision taking to supporting economic growth and productivity, particularly where evidence demonstrates an immediate need for employment land, or a certain type of employment land, within Area A on Figure 4.10 of the West Midlands Strategic Employment Sites Study of September 2015 (or successor study) which cannot be met via forecast supply or allocations. The relevant scheme will be required to demonstrate:</u></p> <p><u>(i) access to the strategic highway network is achievable and appropriate,</u> <u>(ii) the site is reasonably accessible by a choice of modes of transport,</u> <u>(iii) it is otherwise acceptable, taking account of the living conditions of those nearby.</u></p> <p><u>7.54a Area A encompasses land covered by the Strategic Gap, designated Green Belt, and land which is not in categories 1, 2, 3 or 4 of plan policy LP2. This policy does not automatically override other policies, but recognises that there are particular locational requirements specific to certain employment uses and economic benefits to addressing needs in those locations. As such, any weight accorded to proposed employment provision by virtue of this policy will be considered in the context of the policies in the plan as a whole in arriving at a balanced assessment.</u></p>
MM83	75	LP36	<p><i>Adequate vehicle parking provision commensurate to a proposed development will be expected, as guided by the standards at Appendix K in the Document "Parking Standards". Greater emphasis will be placed on parking provision in areas not served by public transport whilst lower provision within the main towns may be appropriate.</i></p>

			<p><i>Amend section under 'Airport parking' subheading as follows:</i></p> <p><i>'Proposals for remote parking of passengers or visitor vehicles in the Borough will not be permitted generally be permissible given existing constraints on parking provision and infrastructure demands. Any such proposals must demonstrate that they would (i) not compromise delivery of the plan strategy as a whole (ii) that there is a clear justification for provision in the location proposed, and (iii) that the benefits of such provision would outweigh any adverse effects, including by consequence of occupying land that could be put to a viable alternative use.'</i></p> <p><i>Electric Vehicle Charging points</i></p> <p><i>Electric charging points will be provided as part of all relevant developments to an agreed specification and location dependent on the scheme proposed and applicable technical guidance. Rapid charging points will be provided on sites when located in the public realm. On housing sites homes with on-site parking will provide an electric charging point in an accessible location close to the parking space(s). On commercial sites there will be employee and visitor rapid charging points.</i></p> <p><i>Insert:</i></p> <p><i><u>Lorry Parking</u></i></p> <p><i><u>Proposals which reduce lorry parking (either informal or formal parking areas) should be accompanied by evidence to support its loss and explore opportunities for alternative provision. In recognition of the Borough's strategic location and demand for lorry parking, the Council will give weight to lorry parking provision and facilities, and opportunities for alternative provision and for improved management in decision-taking.</u></i></p>
MM120		<i>Monitoring</i>	<i>Include monitoring indicator regarding quantity and type of employment floorspace delivered relative to the proportions given in figure 2 of ELR update [CD8/8], as set</i>

			<i>out in monitoring indicators below (monitoring indicators to replace table 9 of the Plan).</i>
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