



North Warwickshire Borough Council

Rebuttal

Appeal by Richborough

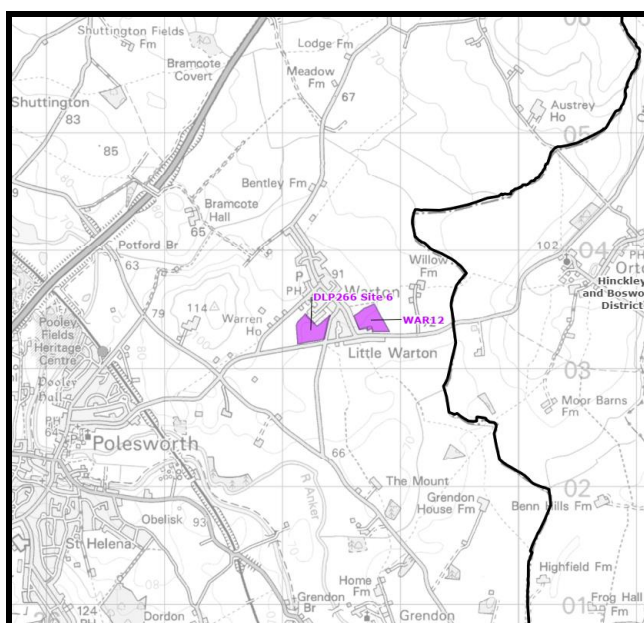
Land South Of Warton Recreation Ground, Orton Road, Warton

PINS Ref: APP/R3705/W/25/3371526

LPA Ref: PAP/2025/0155

**Prepared by Andrew Collinson BTP BA Hons MRTPI
Head of Development Control – North Warwickshire Borough Council**

1. This is a rebuttal to evidence provided by the appellant in this appeal. The rebuttal covers the BMV Matters Proof of Evidence by Mr Kernon (CD8.12.5). Mr Kernon indicates that in terms of site specific ALC data, three developments were identified adjacent to Warton's boundary. This references 3 planning applications PAP/2017/0551 land to the north of Orton Road and PAP/2016/0280 and PAP/2017/0202 (para 7.18 CD8.12.5). Mr Kernon seeks to indicate that agricultural land was not a matter for consideration during the assessment on the relevant planning applications.
2. However, these three planning applications, led to two allocations for Warton following an assessment about their implications on agricultural land through Council Sustainability Appraisal. A copy of the document is attached at Appendix A, this document underpinned the emerging and then adopted Local Plan 2021.
3. The three application sites in question then became two housing allocations and came through the Local Plan process, which is indicated in my evidence (para 3.22 CD8.12.6). This indicated that site H16 would provide 128 dwellings and a minimum of 80 dwellings would be provided at the land off Barn End Road site H27. This is clearly indicated in my evidence at para 6.8 (CD8.12.6).
4. These two sites are clearly indicated by figure 5.22 below from the Sustainability Appraisal (Appendix A). These sites are referenced DLP266 Site 6 (allocation H27) and WAR12 (allocation H26).



5. The allocations were assessed by the Sustainability Appraisal reflecting on objectives 10 and 11 relating to agricultural land (page 27) and brought forward as allocations in the emerging and adopted Local Plan 2021.

Appendix A



www.landuse.co.uk

North Warwickshire's Local Plan: Draft Submission Version

Sustainability Appraisal Report

Main Report
Prepared by LUC
December 2017

Project Title: Sustainability Appraisal of North Warwickshire's Local Plan

Client: North Warwickshire Borough Council

Version	Date	Version Details	Prepared by	Checked by	Approved by
1	01/12/17	Draft SA Report for the North Warwickshire Local Plan: Draft Submission version	Josh Allen Donald McArthur Sarah Smith Kate Nicholls	Kate Nicholls	Jeremy Owen
2	11/12/17	Final SA Report for the North Warwickshire Local Plan: Draft Submission version	Josh Allen Donald McArthur Sarah Smith Kate Nicholls	Kate Nicholls	Jeremy Owen



www.landuse.co.uk

North Warwickshire's Local Plan: Draft Submission Version

Sustainability Appraisal Report

Main Report
Prepared by LUC
December 2017

Planning & EIA
Design
Landscape Planning
Landscape Management
Ecology
Mapping & Visualisation

LUC BRISTOL
12th Floor Colston Tower
Colston Street Bristol
BS1 4XE
T +44 (0)117 929 1997
bristol@landuse.co.uk

Offices also in:
London
Glasgow
Edinburgh



Land Use Consultants Ltd
Registered in England
Registered number: 2549296
Registered Office:
43 Chalton Street
London NW1 1JD
LUC uses 100% recycled paper

Contents

1	Introduction	1
	Context for the North Warwickshire Local Plan	1
	The Local Plan	1
	Sustainability Appraisal and Strategic Environmental Assessment	2
	Structure of this report	5
2	Methodology	7
	Stage A: Scoping	7
	SA Stage B: Developing and refining options and assessing effects	9
	SA Stage C: Preparing the SA report	13
	SA Stage D: Consultation on the Plan and the SA report	14
	SA Stage E: Monitoring implementation of the Plan	14
	Appraisal methodology	14
	Difficulties encountered and data limitations	16
3	Sustainability Context for Development in North Warwickshire	19
	Review of plans, policies and programmes	19
	Baseline information	21
	Key sustainability issues	21
4	Sustainability Appraisal Findings for the Policy Options	26
	Strategic policies	26
	SA of options for development management policies	41
5	Sustainability Appraisal Findings for the Site Options	50
	Residential and mixed-use site options	50
	Employment Site Options	131
	Open space sites	143
	Local nature reserves	146
	Assessment of impacts on priority habitats	147
	NWBC's reasons for selecting the site allocations	150
6	Sustainability Appraisal Findings for the Draft Submission Local Plan	152
	Vision and strategic objectives	152
	Chapter 6 – Sustainable Development	154
	Chapter 7 – Spatial Strategy	155
	Chapter 8 - Housing	156
	Chapter 9 - Employment	157
	Chapter 10 - Environment	159
	Chapter 11 – Services and Facilities	160
	Chapter 12 - Transport	162
	Chapter 13 – Development Management	163
	Chapter 14 - Allocations	165
	Changes to the SA findings since Draft Local Plan stage	182
	Cumulative effects	182
	Mitigation and recommendations	194
7	Monitoring	200
8	Conclusions	204
	Next steps	205

2 Methodology

- 2.1 In addition to complying with legal requirements, the approach being taken to the SA of the North Warwickshire Local Plan is based on current best practice and the guidance on SA/SEA set out in the National Planning Practice Guidance, which involves carrying out SA as an integral part of the plan-making process. **Table 2.1** below sets out the main stages of the plan-making process and shows how these correspond to the SA process.

Table 2.1: Corresponding stages in plan making and SA

Local Plan Step 1: Evidence Gathering and engagement
SA stages and tasks
Stage A: Setting the context and objectives, establishing the baseline and deciding on the scope
1: Identifying other relevant policies, plans and programmes, and sustainability objectives
2: Collecting baseline information
3: Identifying sustainability issues and problems
4: Developing the SA framework
5: Consulting on the scope of the SA
Local Plan Step 2: Production
SA stages and tasks
Stage B: Developing and refining options and assessing effects
1: Testing the Local Plan objectives against the SA framework
2: Developing the Local Plan options
3: Evaluating the effects of the Local Plan
4: Considering ways of mitigating adverse effects and maximising beneficial effects
5: Proposing measures to monitor the significant effects of implementing the Local Plan
Stage C: Preparing the Sustainability Appraisal Report
1: Preparing the SA Report
Stage D: Seek representations on the Local Plan and the Sustainability Appraisal Report
1: Public participation on Local Plan and the SA Report
2(i): Appraising significant changes
Local Plan Step 3: Examination
SA stages and tasks
2(ii): Appraising significant changes resulting from representations
Local Plan Step 4 & 5: Adoption and Monitoring
SA stages and tasks
3: Making decisions and providing information
Stage E: Monitoring the significant effects of implementing the Local Plan
1: Finalising aims and methods for monitoring
2: Responding to adverse effects

- 2.2 The methodology set out below describes the approach that has been taken to the SA of the North Warwickshire Local Plan to date and provides information on the subsequent stages of the process.

Stage A: Scoping

- 2.3 North Warwickshire Borough Council prepared and consulted on a Draft SA Scoping Report for the

Local Development Framework (LDF) in 2006⁶. That document established the scope of the SA work that would be undertaken in relation to each of the documents that would comprise the LDF (which was later replaced by the new Local Plan). The Scoping stage involved the following tasks, all of which have been updated regularly since 2006.

Identification and review of other relevant policies, plans and programmes which may influence the content of the LDF (now the Local Plan)

- 2.4 The Local Plan is not prepared in isolation; rather it is greatly influenced by other policies, plans and programmes. Importantly, it needs to be consistent with international and national guidance and strategic planning policies (whilst avoiding any repetition of higher level policy) and should contribute to the goals of a wide range of other programmes and strategies. It must also conform to the environmental protection legislation and sustainability objectives that have been established at the international, European and national levels.
- 2.5 A review was undertaken of other plans, policies and programmes that were considered to be relevant to the LDF (now the Local Plan) at the international, national, regional and local levels. The conclusions drawn from that review, alongside a review of baseline data, trends and issues, helped to inform the development of a set of SA objectives against which the LDF (now Local Plan) would be appraised, known as the SA framework.
- 2.6 It is important that the review of plans, policies and programmes is updated at regular intervals throughout the SA process in order to ensure that it remains current as several years may pass between the initial Scoping stage and the adoption of a plan. The most recent update has been carried out during the preparation of this SA Report and the current version of the policy review can be found in **Appendix 2**.

Gathering baseline information about the environmental, social and economic characteristics of North Warwickshire Borough

- 2.7 Baseline data provides the context for the assessment of sustainability and the basis for identifying trends, predicting effects and monitoring outcomes. The requirements for baseline data vary widely, but it must be relevant to the key environmental, social and economic issues, be sensitive to change and ideally have sufficient records to identify trends.
- 2.8 Annex 1(f) of the SEA Directive requires data to be gathered on the following topics: biodiversity, population, human health, flora, fauna, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the inter-relationship between the above factors. Additional sustainability topics were also addressed in North Warwickshire's baseline information, covering broader socio-economic issues such as housing, access to services, crime and safety, education and employment. This reflects the integrated approach that is being taken to the SA and SEA processes.
- 2.9 Baseline information for North Warwickshire Borough is presented in **Appendix 3** of this report. As with the policy review, the baseline information that was presented in the original Scoping Report for the LDF has been regularly updated since then to ensure that it remains up to date.

Identification of the key sustainability issues facing North Warwickshire

- 2.10 Drawing on the review of plans, policies and programmes and the baseline information, a set of key sustainability issues for North Warwickshire was identified. These issues are presented towards the end of **Chapter 3** of this report and are broadly the same as those presented in the original Scoping Report as they remain largely valid, although a small number of the key issues have been amalgamated to avoid repetition.

Development of a framework of SA objectives against which the LDF (now the Local Plan) will be appraised

- 2.11 Development of an SA framework is not a requirement of the SEA Directive; however it provides a recognised way in which the likely sustainability effects of a plan can be clearly described,

⁶ North Warwickshire Borough Council (October 2006) Draft Scoping Report - Sustainability Appraisal & Strategic Environmental Assessment for the Local Development Framework.

analysed and compared. An SA framework comprises a series of SA objectives and supporting criteria that are used to appraise the policies and proposals within a plan.

- 2.12 The SA framework that is being used for the SA of the Local Plan (and that was previously used throughout the appraisal of the Site Allocations Plan and the Development Management Plan) is presented in **Table 2.2** below.

Table 2.2: SA Framework for the Appraisal of the North Warwickshire Local Plan

SA Objectives
1. Equal access to services, facilities and opportunities for all, regardless of income, age, health, disability, culture or ethnic origin.
2. Developing and supporting vibrant and active communities and voluntary groups, who are able to express their needs and take steps towards meeting them.
3. Tackling health inequalities and improve health by supporting local communities and by improving access and raising awareness
4. Providing decent and affordable housing to meet local needs.
5. Reducing crime, fear of crime and antisocial behaviour.
6. Providing opportunities to participate in recreational and cultural activities.
7. Valuing, enhancing and protecting the assets of the natural environment of North Warwickshire, including landscape character.
8. Valuing, enhancing and protecting the quality and distinctiveness of the built environment, including the cultural heritage.
9. Valuing, enhancing and protecting the biodiversity of North Warwickshire
10. Ensuring development makes efficient use of previously developed land, buildings and existing physical infrastructure in sustainable locations.
11. Maintaining the resources of air, water and productive soil, minimising pollution levels.
12. Minimising North Warwickshire's contribution to the causes of climate change whilst implementing a managed response to its unavoidable impacts.
13. Reducing overall energy use through sustainable design, increasing energy efficiency and increasing the proportion of energy generated from renewable sources.
14. Using natural resources efficiently
15. Increasing use of public transport, cycling and walking and reducing use of the private car.
16. Encouraging and enabling waste minimisation, reuse, recycling and recovery to divert resources away from the waste stream.
17. Encouraging local sourcing of goods and materials.
18. Creation of a modern, healthy and diverse economy which is able to adapt to changes in the wider economy while remaining relevant to the needs of local people.
19. Maintaining and enhancing employment opportunities and reducing the disparities arising from unequal access to jobs.
20. Ensuring that people of all ages are provided with the opportunity to obtain the skills, knowledge, confidence and understanding to achieve their full potential.

SA Stage B: Developing and refining options and assessing effects

- 2.13 Developing options for a plan is an iterative process, usually involving a number of consultations with stakeholders and the public. Consultation responses and the SA can help to identify where there may be other 'reasonable alternatives' to the options being considered for a plan.
- 2.14 Regulation 12 (2) of the SEA Regulations requires that:

"The (environmental or SA) report must identify, describe and evaluate the likely significant effects on the environment of—

(a) implementing the plan or programme; and

Site allocation code	Site option code	Site name
H18	DLP319	Dairy House Farm (Phase 2), Spon Lane, Grendon
H19	HAR3	Land between Church Rd and Nuneaton Rd, Hartshill
H20	ANSCOM/HAR2	Land south of Coleshill Road, Ansley Common
H21	WO10	Former School redevelopment site (excluding original historic school building)
H22	ANS1 (Part)	Land at Village Farm, Birmingham Road
H23	AUS14	Land off Main Road, Austrey. <i>Note that there is a site allocation policy for this site but it is not listed as an allocation in policy LP39, as explained in paragraph 6.66 above.</i>
H24	NR3	Manor Farm
H25	SHUT1	Land south of Shuttington Village Hall
H26	WAR12	Land north of Orton Rd
H27	DLP266 Site 6	Barn End Road, Warton
H28	WE3/4	Land south of Islington Farm, r/o 115 Tamworth Rd
Reserve residential sites – policy LP39a		
RH1	DLP349	Dairy House Farm Phase 3 and safeguarding route for dualling of A5
RH2	ANSCOMM3/HAR9	Land north of Ansley Common
Employment allocations – policy LP40		
E1	ATH15	Land south of Rowlands Way east of Aldi (for Aldi expansion)
E2	DOR22	Land to the west of Birch Coppice, Dordon
E3	DOR10	Land including site of playing fields south of A5 Dordon, adjacent to Hall End Farm
E4	PS235B	Land to the south of Horiba MIRA Technology Park & Enterprise Zone

- 6.67 The Borough's selected growth option responds to the findings of the SA of growth options that was outlined in **Chapter 4** and ensures that the Borough will accommodate its own needs and an appropriate proportion of adjoining authorities' needs.
- 6.68 The pattern of site allocations in the Draft Submission Local Plan is consistent with the selected pattern for growth. The vast majority of the site allocations are located within or adjacent to the market towns of Atherstone with Mancetter and Polesworth with Dordon, outside the Green Belt and within the development boundaries of the Green Belt settlements of Coleshill, New and Old Arley and Fillongley. The number and size of allocations within the Green Belt and not within or neighbouring market towns is relatively limited.
- 6.69 While any growth within North Warwickshire can be attributed to the needs of the two HMAs that the Borough falls wholly within, a number of sites have been allocated immediately adjacent to settlements within neighbouring authorities to help directly address shortfalls in neighbours' needs. Notable site allocations making a contribution to the needs of neighbouring authorities include the following residential site allocations:
- H13: Land West of Robeys Lane, adjacent Tamworth
 - H14: Site at Lingridge Road, adjacent Langley Sue, Wishaw

Table 7.1: Proposed Monitoring Framework for the North Warwickshire Local Plan

SA objectives for which likely (or uncertain) significant positive or negative effects have been identified for the Local Plan	Proposed monitoring indicators
1. Equal access to services, facilities and opportunities for all, regardless of income, age, health, disability, culture or ethnic origin.	Amount of new residential development within 30 minutes public transport time of GP, hospital, primary school, secondary school, area of employment, major retail centre. Amount of completed local services including retail, office, and leisure development in Town Centre and the in the wider Borough. % of households in North Warwickshire Borough that are within 4km of a bank/building society.
3. Tackling health inequalities and improve health by supporting local communities and by improving access and raising awareness	Life expectancy. Proportion of the population aged over 85. % of people classifying themselves as having good health. Obesity rates. Amount of new residential development within 30 minutes public transport time of GP and hospital.
4. Providing decent and affordable housing to meet local needs.	Net additional gypsy and traveller pitches. Number of people on social housing waiting lists. Number and tenure type of existing housing stock. Gross affordable housing completions. % of Housing meeting Building for Life Assessment.
6. Providing opportunities to participate in recreational and cultural activities.	Amount of eligible Open Spaces Managed to Green Flag Award Standards. Amount of completed leisure developments. Amount of new residential development within 30 minutes public transport time of recreational and cultural facilities (including pubs, shops, community facilities, open/greenspaces, playing fields and footpaths and cycle routes). Proportion of residents with access to natural greenspace within 400m of their home. Hectares of accessible open space per 1000 population. Hectares of new publically accessible green infrastructure created.
7. Valuing, enhancing and protecting the assets of the natural environment of North Warwickshire, including landscape character.	Number of changes inconsistent and consistent with defined landscape character. Proportion of new development built on previously developed land. Number of planning applications refused due to inappropriate development in the Green Belt or within defined landscape character areas.
8. Valuing, enhancing and protecting the quality and distinctiveness of the built environment, including the cultural heritage.	Additions and losses of cultural heritage designations in the Borough. Number of designated assets identified as being 'at risk'.

SA objectives for which likely (or uncertain) significant positive or negative effects have been identified for the Local Plan	Proposed monitoring indicators
9. Valuing, enhancing and protecting the biodiversity of North Warwickshire	Changes in areas and populations of biodiversity importance. % of SSSIs in Favourable or Unfavourable Recovering condition. Achievement of BAP targets. Number of LDF documents or planning approvals leading to significant impacts on sites designated for nature conservation. Number of planning approvals identified as having a likely impact on wildlife for which provisions for net gain have been negotiated. Number of planning applications refused or withdrawn wholly or in part due to lack of consideration of biodiversity impacts or considered to have unacceptable biodiversity impacts.
10. Ensuring development makes efficient use of previously developed land, buildings and existing physical infrastructure in sustainable locations.	% of new and converted dwellings on previously developed land. % of employment completions on previously developed land. % of housing completions in main towns and service centres. % of housing development being built at densities of over 30 dwellings per hectare. % of new housing/employment development on areas of Grades 1, 2 or 3a agricultural land.
11. Maintaining the resources of air, water and productive soil, minimising pollution levels.	% of new housing/employment development on areas of Grades 1, 2 or 3a agricultural land. Water stress in the Borough. NO₂ levels. Chemical and biological quality of rivers and lakes. CAMS river status (over licenced, water available etc.)
12. Minimising North Warwickshire's contribution to the causes of climate change whilst implementing a managed response to its unavoidable impacts.	CO₂ emissions by source. GWh of installed low/ zero carbon energy. Renewable energy capacity installed by type. Number of buildings built that meet the Code for Sustainable Homes Standards Level 4 or higher
13. Reducing overall energy use through sustainable design, increasing energy efficiency and increasing the proportion of energy generated from renewable sources.	Number of planning permissions granted contrary to Environment Agency advice on flooding. Renewable energy capacity installed by type.